

Chapter 320

ZONING

GENERAL REFERENCES

Building construction — See Ch. 85.

Stormwater management — See Ch. 255.

Erosion and sediment control — See Ch. 117.

Subdivision control — See Ch. 270.

ARTICLE I

Authorization; Purpose; Applicability**§ 320-1. Statutory authorization.**

This chapter is established pursuant to the provisions of § 60.62 of the Wisconsin Statutes and shall be known as the "Town of Greenville Zoning Ordinance."

§ 320-2. Purpose.

It is the purpose of this chapter to promote the public health, safety, convenience and general welfare; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.

§ 320-3. Applicability and extent of power.

This chapter is designed to determine, establish, regulate and restrict:

- A. The areas within which agriculture, forestry, industry, mining, trades, business and recreation may be conducted.
- B. The areas in which residential uses may be regulated or prohibited.
- C. The areas in and/or along natural watercourses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.
- D. Trailer camps, or tourist camps and motels or both and mobile/manufactured home parks.
- E. Designate certain areas, uses or purposes that may be subjected to special regulation.
- F. The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
- G. The location, height, bulk, number of stories and size of buildings and other structures.
- H. The location of roads and schools.

- I. Building setback lines.
- J. The density and distribution of population.
- K. The percentage of lot that may be occupied, size of yards, courts and other open spaces.
- L. Places, structures or objects with a special character, historic interest, aesthetic interest or other significant value, historic landmarks and historic districts.
- M. Burial sites, as defined in Wis. Stats. § 157.70(1)(b).

ARTICLE II
General Provisions

§ 320-4. Establishment of districts.¹

To achieve the purposes of this chapter, the Town of Greenville is hereby divided into the following districts as set forth in Article XI of this chapter:

- AD Airport District
- AED Exclusive Agricultural District
- AGD General Agricultural District
- R1 Single-Family Residential District
- R2 Two-Family Residential District
- R3 Multifamily Residential District
- GC General Commercial District
- CP Planned Commercial District
- IND Industrial District
- NC Neighborhood Commercial District
- BP Business Park District
- MH Mobile/Manufactured Home Park District
- Gateway Overlay District
- Heritage Overlay District

§ 320-5. Official Zoning Map.

- A. Establishment. The location and boundaries of the districts shall be as shown in a map entitled the "Official Zoning Map of the Town of Greenville, Outagamie County, Wisconsin." The district symbol as set out in § 320-4 above and Article XI of this chapter shall be used to designate each district. The Official Zoning Map with all notations, dimensions, designations, references and other data shown shall accompany and be part of this chapter.
- B. Amendments. Amendments to the Official Zoning Map shall be approved by the Outagamie County Board of Supervisors in accordance with the provisions of this chapter and § 60.62 of the Wisconsin Statutes. Amendments shall be effective as provided in § 60.62 of the Wisconsin Statutes. Amendments shall promptly be portrayed on the Official Zoning Map.
- C. Final authority as to zoning status. Regardless of the existence of purported copies of all or part of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Clerk's office, shall be the final authority as

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the current zoning status of any lands unless over ruled by Outagamie County.

- D. Replacement of Official Zoning Map. If the Official Zoning Map, or any page or portion thereof, becomes damaged, lost, destroyed or difficult to interpret, the Town Board may by resolution adopt a new Official Zoning Map or any page or pages thereof, which shall supersede the prior Official Zoning Map, or page or pages thereof. The new Official Zoning Map, or page or pages thereof, may correct drafting or other errors or omissions, but no such correction shall be the effect of amending the original Official Zoning Map or page or pages thereof. If, in the process of correcting drafting or other errors or omissions, district boundaries are changed or altered, then action shall be taken only in the form of an amendment.
- E. Retention of earlier maps. All Zoning Maps which have had the force and effect of Official Zoning Maps for the Town of Greenville prior to the effective date of adoption of this chapter shall be retained as a public record and as a guide to the zoning status of lands prior to such date.

§ 320-6. Interpretation of district boundaries.

- A. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Map indicates that the district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- B. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules apply:
 - (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys or rights-of-way shall be construed as following such center lines as they exist on the ground.
 - (2) Boundaries indicated as approximately following lot lines shall be construed as following such lines; provided, however, that where such boundaries are adjacent to the dedicated street, highway or right-of-way and the zoning status of the street, highway or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway or right-of-way.
 - (3) Boundaries indicated as approximately following the limits of incorporated municipalities shall be construed as following such limits.
 - (4) Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
 - (5) Where boundaries do not follow property lines and distances are not specified, boundaries shall be determined by the use of the scale in the Official Zoning Map.

- (6) Where the property layout existing on the ground is at variance with that shown in the Official Zoning Map, the Zoning Administrator shall interpret the Official Zoning Map. The determination by the Zoning Administrator may be appealed as provided in § 320-238.

§ 320-7. Application of regulations.

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No land, building or structure shall hereinafter be used or occupied, and no building, structure, or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No sign shall hereinafter be erected, hung, placed, altered, or moved except in conformity with the regulations of the district in which it is located.
- C. No part of a yard, open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building except if allowed in another part of this chapter.
- D. No lot or yard existing at the effective date of adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption of this chapter shall meet the minimum requirements established by this chapter.
- E. No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced. No accessory building shall be used unless the principal building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

§ 320-8. Interpretation.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter impose greater restrictions than any statutes, other regulations, ordinance or covenant, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this chapter, the provisions of such statute, other regulations, ordinance or covenant shall prevail.

§ 320-9. Other regulations applicable to the development and use of land and structures.

In addition to the applicability of these regulations, certain lands and structures in the Town of Greenville are also subject to, without limitations, regulations pertaining to floodplains, shorelands and wetlands, land divisions, airports, airport operations or other similar regulations.

ARTICLE III
Terminology

§ 320-10. Word usage.

For the purpose of this chapter, the following shall apply as indicated throughout the chapter:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense and the singular includes the plural.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

§ 320-11. Definitions.

For the purpose of this chapter, the following terms are defined:

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal structure.

ADULT ESTABLISHMENTS — Establishments which include bookstores, motion-picture theaters, mini-motion-picture theaters, bath houses, massage parlors, modeling and body painting studios and cabarets whose principal use is to depict, describe, engage in or relate to specified anatomical areas or specified sexual activities. **[Amended 1-30-2006]**

ALLEY — A public or approved private way which affords only a secondary means of access to abutting property.

AIRPORT (PUBLIC) — Any airport which complies with the definition contained in Chapter 114, Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

ALTERATION — A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

AUTOMOBILE FILLING STATION — Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories and convenience retail goods may be supplied, dispensed and sold and where minor repair or maintenance work may be performed such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters and the like.

AUTOMOBILE SALVAGE YARDS — Premises used for the storing, dismantling, crushing, shredding or disassembly of used motor vehicles or their parts.

BILLBOARD — See "off-premises signs" in § 320-48.

BOARDING HOUSES — An establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved.

BUILDING — A structure having one or more stories and a roof which is used or intended to be used for shelter or enclosure for persons, property or animals.

BUILDING HEIGHT — A building's vertical measurement, from the main level of the finished grade in front of the building to the highest point on the roof line of a flat roof or a roof having a pitch ratio of less than 1.4 from the horizontal, and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 1.4.

BUILDING FRONTAGE — The front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators.

BUILDING LINE — The rear edge of any required front yard or the rear edge of any required setback line.

BUILDING SITE — The lot or lots or portion of a lot or lots used for a building, the total area of which lots is ascribed to the building for compliance with these zoning regulations.

CLINIC — An office or group of offices relating to the health care professions including physicians, dentists and the like engaged in the treatment of persons.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of the development for which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

COMMUNITY LIVING ARRANGEMENT — Facilities defined in § 46.03, Wis. Stats.

CONSERVATION SUBDIVISION — A subdivision wherein not less than 50% of the total area of the plat is set aside and restricted as common open space by a conservation easement or other suitable instrument as set forth in Chapter 270, Subdivision Control.

CONVALESCENT HOME AND NURSING HOME — A place where regular care is provided to three or more infirmed persons, children, or aged persons, who are not members of the family which resides on the premises.

COUNTY — Outagamie County, Wisconsin.

DAY CARE —

- A. FAMILY — A place where regular day care is provided to not more than eight children and is licensed pursuant to Chapter 48, Wis. Stats.
- B. GROUP — A place where regular day care is provided to nine or more children and is licensed pursuant to Chapter 48, Wis. Stats.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction or additions or substantial improvements to buildings, other structures, or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.

DOG KENNEL — A place where more than three adult dogs are boarded for a fee on a recurrent basis, or a place that keeps, harbors or has custody of more than three dogs for any purpose.

DRIVE-IN RESTAURANT — Any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

DWELLING UNIT — A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

DWELLING, SINGLE-FAMILY DETACHED — A building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile/manufactured homes, travel trailers, or other forms of portable or temporary housing.

DWELLING, SINGLE-FAMILY ATTACHED — A building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings, each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses, patio, or atrium houses or any form which conforms to this definition.

DWELLING, TWO-FAMILY — One building containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semidetached buildings and duplexes or any form which conforms to this definition.

DWELLING, MULTIPLE FAMILY — A building containing three or more dwelling units. The term "multifamily dwelling" shall include cooperative apartments, condominiums, apartments and the like. Regardless of how rental units are equipped, any multifamily dwelling in which units are

available for rental periods of less than one week shall be considered a motel.

DWELLING, MOBILE/MANUFACTURED HOME — A building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities.

DWELLING, MODULAR HOME — A building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this chapter, modular homes shall be allowed as a single-family detached dwelling.

FAIR MARKET VALUE — Assessed value adjusted for equalized value.

FAMILY — ²

A. One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- (1) The group shares the entire dwelling unit.
- (2) The group lives and cooks together as a single housekeeping unit.
- (3) The group shares expenses for food, rent, utilities or other household expenses.
- (4) The group is permanent and stable and not transient or temporary in nature.
- (5) Any other factor reasonably related to whether the group is the functional equivalent of a family.

B. This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.

FLOOR AREA — The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding public corridors, common rest rooms, attic areas, unenclosed stairways, elevator structures, heating or other building machinery or equipment or basement space.

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

FLOOR AREA RATIO — The ratio of the total floor area of a building to the total lot area.

FUR FARM — Land, buildings or structures used for the purpose of raising or harboring fur-bearing animals including those defined in § 29.001, Wis. Stats., and also including chinchillas, whether the animals are kept for breeding, slaughtering or petting.

GARAGE, PRIVATE — An accessory building designed or used for inside parking of private motor vehicles, recreational vehicles or boats by the occupant of the principal building. A private garage attached to or a part of the main building is to be considered part of the main building.

HOME OCCUPATIONS — An occupation in a residential district conducted entirely in a dwelling unit. See § 320-32.

HOTEL — An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multifamily dwellings and boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotel may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court or any form which conforms to this definition.

JUNKYARD — Premises where land, building or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvageable materials incident to manufacturing activity on the same site.

LANDSCAPE BUFFER — The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

A. Requirements. Where these regulations require a landscape buffer area, the following requirements shall be met:

- (1) The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
- (2) The area shall be so designed, planted and maintained as to be 75% or more opaque at least 10 feet above average ground level when viewed horizontally.
- (3) Types and number of plantings for landscaped buffers shall be submitted with application for a building permit or special

exception, along with plans and statements demonstrating how the buffer will be maintained in the future.

- (4) Plantings shall be of a size and type that will insure the meeting of the 75% opacity requirement within no longer than 12 months of the date of the first planting.
- (5) Failure to maintain the landscaped buffer area as set out above shall be a violation of these zone regulations.

B. Sight distance. When an accessway intersects a public right-of-way, all landscaping shall provide unobstructed visibility at a level between 3 1/2 feet and 10 feet.

LANDSCAPING — Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

LOT — A parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" shall mean land designated as a distinct and separate parcel on a legally recorded deed or plat in the Register of Deeds' office.

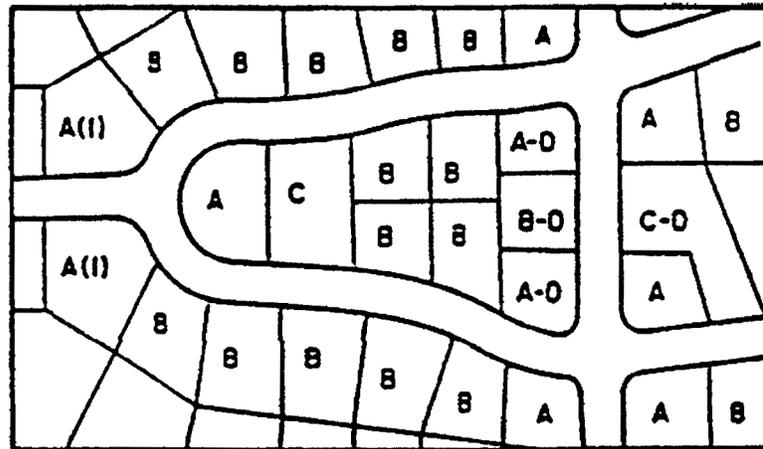
LOT AREA — The total horizontal area within the lot lines of the lot.

LOT COVERAGE — The percentage of the lot area covered by the principal or accessory structure.

LOT DEPTH — Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

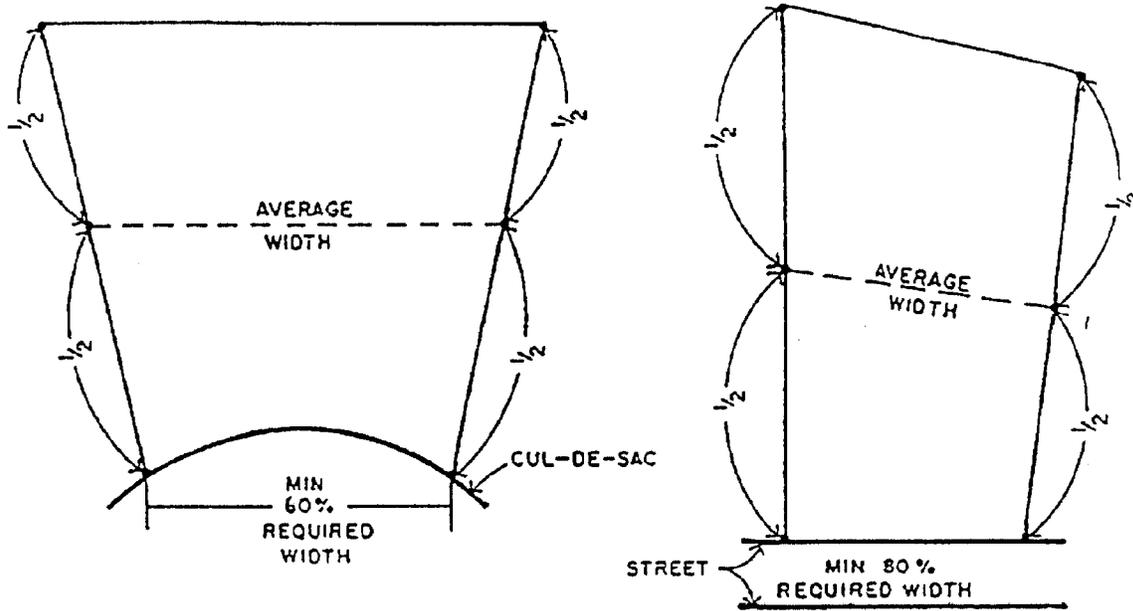
LOT FRONTAGE — The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the Building Inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

LOT TYPES — The diagram that follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots and through lots.



- A = Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135°. See lots A(1) in the diagram.
- B = Interior lot, defined as a lot other than a corner lot with only one frontage on a street.
- C = Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."
- D = Reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), and interior lot (B-D) or a through lot (C-D).

LOT WIDTH — Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with street line) and the rearmost points of the side lot lines in the rear; provided, however, that the width between the side lot lines at their foremost points in the front shall not be less than 80% of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60% of the required lot width.



MANUFACTURED DWELLING — Any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

MANUFACTURED HOME — A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and fitted with wheels that is intended to be hauled to a site and is registered and titled with the Wisconsin Department of Motor Vehicles.

MOBILE HOME — A mobile home, transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE/MANUFACTURED HOME PARK — Premises designed and maintained for the location of two or more mobile/manufactured homes under a continuing local general management and including special facilities for common use by the occupants such as open space areas and recreational areas and buildings.

MOBILE/MANUFACTURED HOME SITE — A mobile/manufactured home site is a parcel or lot within a mobile/manufactured home park, designated for the accommodation of not more than one mobile/manufactured home.

MOBILE/MANUFACTURED HOME SUBDIVISION — Premises where more than two mobile/manufactured homes are located for nontransient living purposes and where lots are set aside and offered for sale for use as mobile/manufactured homes for living purposes.

MOTOR VEHICLE — A vehicle which is intended to be self-propelled, including, but not limited to, automobiles, tractors, trucks, recreational vehicles, watercraft, snowmobiles, motorcycles, and all-terrain vehicles as listed below:**[Added 1-8-2018 by Ord. No. 12-17]**

- A. Passenger vehicle, compact. Any passenger vehicle that does not exceed six feet in width and/or 15 feet in length.
- B. Passenger vehicle. Private passenger vehicle properly licensed and operable of less than 10,000 pounds gross vehicle weight rating.
- C. Small trucks, commercial vehicles and farm equipment. A truck, van, tractor or commercial vehicle with less than 10,000 pounds gross vehicle weight rating.
- D. Large trucks, commercial vehicles and farm equipment. A truck, cargo van, tractor or bus greater than 10,000 pounds.
- E. Recreational vehicle. An operable vehicle primarily used for leisure activities, including, but not limited to, camper trailers, boats with or without trailers, utility trailers, all-terrain vehicles, and snowmobiles.
- F. Motor homes. A self-propelled vehicle on a chassis outfitted for travel with permanent sleeping accommodations but not for permanent use as a dwelling.

MOTOR VEHICLE FILLING STATION — Buildings and premises where motor vehicle fuels are supplied, dispensed and/or sold.**[Added 1-8-2018 by Ord. No. 12-17]**

NET ACRE — The total acreage of a lot, tract or parcel of land excluding land in existing and proposed streets and street rights-of-way.

NET DENSITY — Refers to the number of residential dwellings units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including street rights-of-way. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

OFFICE, BUSINESS — A business office is an office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barber or beauty shop is not a business office.

OFFICE, PROFESSIONAL — A professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

PLANNING COMMISSION — The agency or commission designated by the Town Board pursuant to § 62.23, Wis. Stats.

PLANNED UNIT DEVELOPMENT — A residential or commercial development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of significant natural features.

RECREATIONAL CAMP — Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

SIGN — See definition of "sign" in § 320-48.³

SPECIAL EXCEPTION — Those uses or structures that may not be appropriate generally or without restriction throughout a district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permitted in a zoning district if they meet the requirements of the district in which they are located and Article XXVII of this chapter.

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered. **[Amended 1-30-2006]**

SPECIFIED SEXUAL ACTIVITIES — Activities where human genitals are in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy; and fondling or erotic touching of the human genitals, pubic region, buttocks or female breast. **[Amended 1-30-2006]**

STABLE — Premises where more than one horse (livestock) is boarded, raised, kept or trained, regardless of whether such horses are (livestock is) owned by the occupants or owners of the premises. A stable shall provide three acres' minimum of land required for one horse or pony plus one acre for each additional horse or pony.

STABLE, RIDING — Premises on which horses are (livestock is) kept for the purpose of renting them to the public on any basis. A riding stable shall consist of not less than five acres.

STORAGE ESTABLISHMENT — Premises where goods and materials or more than three motor vehicles, recreational vehicles or boats are stored for a fee.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

STORY — The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground.

VARIANCE — A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of Article XXXIII of this chapter.

YARD — An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward; provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction visibility. "Required yard" means that minimum distances specified by these regulations measured from the property line.

YARD, FRONT — A yard extending across the front of a lot between the side lot lines, and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

YARD, REAR — A yard extending across the rear of a lot between the side lot lines, and extending from the rear of the property line to the nearest line of the principal structure or projection of the principal structure.

YARD, SIDE — A yard extending between the nearest building or projection thereto and the side lot line, and extending from the front yard to the rear yard.

ARTICLE IV
Nonconformities

§ 320-12. Applicability and intent.

Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

§ 320-13. Nonconforming uses of land (or land with minor structures only).

Where at the effective date of adoption or amendment of this chapter a use of land exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure or structures with a fair market value of less than \$10,000, such use may be continued, subject to the following restrictions:

- A. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this chapter.
- B. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this chapter.
- C. When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- D. No additional structure in connection with such use shall be erected.

§ 320-14. Nonconforming uses of structures.

Where at the effective date of adoption or amendment of this chapter the use of a structure exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a fair market value exceeding \$10,000, such use may be continued, subject to the following restrictions:

- A. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted or permissible in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter. Any nonconforming use that occupied a portion of a building not originally

designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

- C. There may be a change in tenancy, ownership, or management of a nonconforming use, provided there is no change in the nature or character of such nonconforming use.
- D. When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- E. If a structure occupied by a nonconforming use is removed or destroyed or damaged to an extent of more than 50% of its fair market value at the time of destruction, the nonconforming use shall not be resumed, except as provided in § 60.61(5m), Wis. Stats.⁴

§ 320-15. Nonconforming structures. [Amended 6-2008]

Where at the effective date of adoption or amendment of this chapter a structure exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other non-design requirements concerning the structure, such structure may continue in existence, subject to the following restrictions:

- A. Such structure shall not be altered in any manner that would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50% of the fair market value of the structure, except as provided in § 60.61(5m), Wis. Stats.⁵
- B. If such structure is destroyed or damaged to an extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed, provided reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50% of its fair market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the district in which it is located.
- C. When a structure becomes a nonconforming use as to setback from a highway because the highway was widened or relocated, such structure shall not be considered a nonconforming use under this section. However, no such structure shall thereafter be added to or rebuilt in such a manner that it will be closer to the right-of-way of the highway.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-16. Nonconforming characteristics of use.

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

- A. Nonconforming design of structures. If characteristics of the design of a structure such as walls, roofs, equipment, entrances, facades or building materials are made nonconforming by the provisions of this chapter as adopted or amended, the structure may be altered or enlarged; provided, however, that to the maximum extent practicable, the alteration or enlargement complies with such requirements and does not increase the nonconformity. **[Amended 6-2008]**

§ 320-17. Nonconforming lots of record.

In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, and provided all other requirements for the district are met.

§ 320-18. Nonconforming signs.⁶

No nonconforming sign shall be altered in any manner that would increase the degree of nonconformity. If such sign is destroyed or damaged to an extent of more than 50% of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed, provided any reconstruction does not increase the degree of nonconformity that previously existed, except as provided in § 60.61(5m), Wis. Stats.

§ 320-19. Casual, temporary, or illegal use.

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

§ 320-20. Repairs and maintenance.

Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structures declared to be unsafe.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-21. Existing special exceptions.

Any use or structure existing on the effective date of adoption or amendment of this chapter which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval according to the terms of this chapter.

ARTICLE V
Supplementary Regulations

§ 320-22. General application.

The regulations set forth herein shall supplement or modify the regulations set forth in Article XI, Schedule of District Regulations, of this chapter.

§ 320-23. Lots and yards.

- A. Through lots and corner lots. On through lots or lots with double frontage, the required front yard shall be provided on each street. On corner lots, the street side yard shall be equal the required front yard for lots fronting on that street.
- B. Development in mapped streets. Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
- C. Access. Except as provided below, every building housing a principal use hereafter erected or moved shall be on a lot which fronts or abuts a public street and has direct vehicular access to that public street for a distance of at least 33 feet and be so located as to provide safe and convenient access for servicing and off-street parking. Direct access does not include the use of easements. Fee simple title to the access to a public roadway must be the same as the building title. Notwithstanding the foregoing direct requirement, the Town may require indirect access by easement between and among adjoining industrial and commercial parcels or by public frontage road to minimize access points and optimize the location of access points to facilitate traffic flow and promote safe ingress and egress. **[Amended 8-14-2006]**
- D. Building groups. In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
- E. Yard encroachment. Every part of every required front and side yard shall be open and unobstructed by structures from 30 inches above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in these regulations.
 - (1) Roof eaves may project into a required side yard not more than two feet.
 - (2) Fire escapes, stairways and balconies whether unroofed, open and unenclosed or enclosed shall not intrude into required yards.
- F. More than one building on a lot. In any Commercial, Industrial or Business Park District, more than one building housing a principal use may be erected on a single lot, provided that yard and other

requirements of these regulations shall be met for each building as though it were on an individual lot. **[Amended 9-13-2004]**

§ 320-24. Accessory uses and structures.

- A. Accessory building number limits. In any residential district, in addition to the principal building, a detached garage or attached garage and one additional accessory building may be placed on a lot. No accessory building shall be built on a lot without a principal building.
- B. Attached accessory buildings. All accessory buildings that are attached to the principal building shall comply with the yard requirements of the principal building.
- C. Detached accessory buildings. No detached accessory building shall occupy more than 30% of the yard it is in, or be located within 12 feet of any building. Setbacks as per the zoning district.

§ 320-25. Fences, hedges and berms. [Amended 3-12-2007; 9-14-2015; 5-8-2017 by Ord. No. 4-17]

- A. Purpose. The purpose of this section is to provide guidance for landowners wishing to construct a fence. The intention is to allow landowners to construct fences for the purpose of enhancing their privacy, increasing or maintaining property value, or improving the aesthetics of the property. At the same time, it is important these structures do not infringe upon safety, or nearby current or future neighbors, by unreasonably restricting their view or quality of life or negatively impacting property value. It is also recognized Greenville is a community which values a sense of openness and neighborliness, and fence structures should not contradict these values. Additionally, fences allowed to be constructed must be maintained to preserve the quality originally intended.
- B. Fences and walls are accessory structures and require a permit. Privacy screens are not considered fences and will be reviewed by the Building Inspection Department.
- C. Fences and walls on lots and parcels zoned and being used for agricultural purposes exceeding five acres in area are exempt from height restrictions and permit requirements.
- D. Fences and walls on lots and parcels zoned for residential uses may be permitted in any required yard or along the edge of any required yard, unless prohibited by other restrictions. No fence or wall may exceed a height of 48 inches along the sides or front edge of any required front yard. The required front yard extends from the property line to the building setback for a principal structure as per the zoning district it is located in, and all street sides are considered front yards. No fence or wall may exceed a height of six feet in any other required yard or along the edge of any required yard. (See pictures included with this

section and at townofgreenville.com, Building Inspection Department, under Fences, for more information.)⁷

- E. Fences and walls on lots and parcels zoned and being used for commercial and industrial purposes may not exceed a height of eight feet; provided, however, that a security topper not to exceed two feet may be added to any fence along any property line except a property line adjoining a road.
- F. The finished or decorative side of a fence or wall shall face adjoining property, and no part of a fence or wall shall project over the property line. Any lighting shall be shrouded and faced toward the interior of the property that is fenced or walled.
- G. No fence or wall is permitted within any stormwater, water or sewer easement. Other utility easements may also have restrictions.
- H. All fences and walls must provide for natural surface water flow.
- I. Height limitations shall be referenced to any Town-approved drainage and grading plan.
- J. Temporary fences for short-term planting, construction, hazard or temporary event shall be marked with colored streamers or other warning devices at four-foot intervals. Temporary fences shall comply with all fence requirements of this section and shall be erected for no more than 45 days.
- K. Electric, barbed wire and razor wire fences are prohibited in all residential districts.
- L. All berms and landscaped islands require approval of the Town of Greenville Stormwater Superintendent.
- M. Any berm or landscaped island above 42 inches in height above any Town-approved drainage and grading plan requires site plan approval from the Town of Greenville Planning Commission pursuant to site plan requirements in this section.
- N. Other ordinances impacting fence construction include Corner visibility, § 320-29; Trash enclosures § 320-62; weeds, Chapter 307; yard definitions, § 320-11; nonconforming uses and structures, § 320-12.

§ 320-26. Storage of firewood in residential districts.

No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any required front yard or closer than two feet to any residential lot line.

7. **Editor's Note: Said illustrations are included as attachments to this chapter.**

§ 320-27. Telephone, television, natural gas and power transmission.

Lines may be constructed within the setback line, and additions to and replacements of existing lines may be made, provided that the utility owner first file with Outagamie County, in the case of a County Highway, and the Town of Greenville, in the case of a Town Road, an agreement in writing that they will remove at their expense all new lines, additions and replacements constructed after the effective date of this amendment, when such removal is necessary for the improvement of the highway/road.

§ 320-28. Height exceptions.

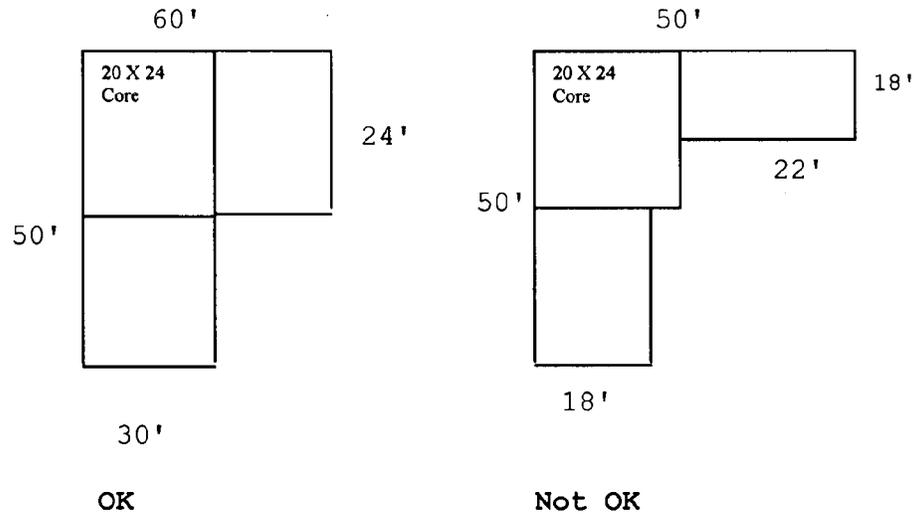
Height limitations do not apply to belfries, cupolas, water tanks, elevator bulkheads, chimneys, spires, flagpoles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. These heights are not to exceed airport limitations.

§ 320-29. Corner visibility.

On any corner lot in all zoning districts, no fence, wall, hedge, planting, object or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining the point along said right-of-way line 15 feet from the point of intersection.

§ 320-30. Requirements for single-family and duplex dwellings.

- A. No single-family dwelling or duplex dwelling shall be erected or installed in a zoning district within the Town of Greenville except the mobile/manufactured home district unless it meets all of the following criteria:
- (1) The dwelling shall be set on a full basement or crawl space which meets the standards set forth in Subchapters III, IV and V of Chapter SPS 321, Adm. Code. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed enclosed foundation system provides proper support for the structure.
 - (2) The structure shall have a minimum living area of at least 1056 square feet and a minimum width of 25 feet.
 - (3) The structure shall have a core area of living space at least 20 feet by 24 feet in size to insure that adequate width exists.



- (4) All on-site construction shall be in compliance with all of the following:
 - (a) SPS 321, Admin. Code, the Uniform Dwelling Code.
 - (b) SPS 381 through 384, Wis. Admin. Code, the Plumbing Code.
 - (c) SPS 316, Wis. Admin. Code, the electrical code.
- (5) The structure shall have a pitch with a minimum slope of 4/12 and eaves extending outward a minimum of 16 inches beyond the nearest vertical wall (excluding dormers and overhangs at gable ends. On homes of 1 1/2 story or more or which have a roof pitch of 7/12 or steeper, this minimum overhang requirement shall be decreased to 12 inches).
- (6) The structure shall be roofed with asphalt, metal, fiberglass, woodshake, clay or cement shingles.

B. The Town Planning Commission may grant a special exception permit upon application and payment of fees for a deviation from the requirements of five and six if such granting of that special use will not have an adverse aesthetic or pecuniary impact on the surrounding neighborhood and/or the value of nearby properties.⁸

§ 320-31. Keeping of animals.

Household pets are permitted in all districts, provided that not more than three dogs shall be kept and that no pets are bred or reared for commercial purposes on any lot or parcel where the principal use is residential. Offspring of household pets may be kept and sold from the premises for a period not to exceed eight months after birth.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-32. Home occupations.

- A. Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a permitted or conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. Home occupations shall comply with the following general conditions:
- (1) Home occupations shall be permitted only after Planning Commission approval following the procedure for special exceptions in Article XXVII of this chapter.
 - (2) The total area devoted to such home occupations shall not exceed 20% of the building area of the dwelling unit involved.
 - (3) A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical or television interference or otherwise produce a nuisance as determined by the Planning Commission.
 - (4) No materials, which decompose by detonation, shall be allowed in conjunction with a home occupation.
 - (5) No home occupation shall be permitted which changes the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building.
 - (6) Materials used in or produced by a home occupation may not be stored or displayed outside the dwelling.
 - (7) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (8) Retail and wholesale sales shall be prohibited except for the retail or wholesale sales of products or goods produced or fabricated on the premises as a result of the home occupation.
 - (9) The applicant shall demonstrate that there is sufficient off-street parking available to the home occupation. All vehicular parking for both the residence and the home occupation shall be located on the premises.
 - (10) A home occupation shall be carried on wholly within the principal dwelling. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building attached or detached.

- (11) Home occupation uses shall meet all applicable fire and building code safety requirements.
- (12) No home occupation involving visits to the site of the home occupation by customers or the loading or unloading of business-oriented material shall be operated between the hours of 8:00 p.m. and 8:00 a.m.
- (13) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (14) Every home occupation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this chapter.
- (15) The following uses are prohibited as home occupations:
 - (a) Animal hospitals or pet boarding.
 - (b) Automobile or other motor vehicle repair or paint shops.
 - (c) Dance studios for more than six students.
 - (d) Gift shops.
 - (e) Gun or ammunition sales.
 - (f) Private clubs.
 - (g) Restaurants.
 - (h) Small engine repair shops.
 - (i) Stables or kennels.
 - (j) Tourist homes or boarding houses.
 - (k) Any other home occupations not meeting the criteria established by this chapter.

B. Permitted use exception.

- (1) A home occupation or professional home office under this section may be maintained in any residential or agricultural district as a permitted use, as opposed to a special use, if the standards of this section are complied with, and no sign is erected or maintained regarding the home occupation, no customers regularly come to the house, there is no advertising, and the business is service-oriented and not engaged in retail trade on the premises.
- (2) Home-based hair and beauty salons shall require issuance of a special use permit.

- (3) Farm produce stands are allowed as specified in the general agricultural district.

§ 320-33. Common open space.

- A. Nature. Common open space shall not include street rights-of-way, driveways, parking areas or yards required in connection with any buildings.
- B. Buildings and structures. Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- C. Reservation. When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary to assure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors and assigns, and shall constitute a covenant running with the land, and be recorded as a condition of approval.
- D. Maintenance. In the event that common open space is improperly maintained, the Town may serve written notice upon any property owner or association setting forth the manner in which such property owners or association has failed to maintain the common open space and demand maintenance deficiencies to be corrected within 30 days. If the deficiencies as originally set forth or subsequently modified are not corrected within 30 days, the Town may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed equitably against the properties within the development that have the right to use the area and shall become a tax lien on said properties. The Town shall file notice of any liens in the office of the Town Clerk.

§ 320-34. Display of vehicles and equipment. [Amended 11-12-2007]

No parcel or contiguous parcel under single ownership shall display more than one vehicle or one piece of equipment (boat, camper, trailer or items of a similar nature) for sale at any one time for no more than six months. Any such item on display for sale shall not be located less than 15 feet from the right-of-way.

ARTICLE VI
Parking Requirements

§ 320-35. Applicability.

The off-street parking provisions of this chapter shall apply to all buildings and structures erected after the effective date of this chapter. Accessory parking shall be according to the provisions of this article; where an intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Town Administrator. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following sections.

§ 320-36. Access.

Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement.

§ 320-37. Design standards. [Amended 9-15-2008]

Each parking space shall not be less than 180 square feet in area, 18 feet in length and 10 feet in width, nor less than nine feet wide, exclusive of aisles and access drives. No parking area shall be designed as to require any vehicle to back into a public street. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

§ 320-38. Location.

- A. All parking spaces required shall be located on the same lot with the building or use served, or may be located not to exceed 400 feet from the principal use. "Park and ride" lots or shuttle parking lots will be the exception to this rule.
- B. Off-street parking is permitted in all yards of all districts, except in the non-driveway front yards of single-family and duplex residential districts, but shall not be closer than five feet to a nonresidential side lot line or rear lot line or closer than 15 feet to a right-of-way. No

parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line.

- C. Off-street parking in the single-family and duplex districts is permitted in the front yard in the driveway, even though closer than five feet to a side lot line.
- D. There shall be no customary storage of any sports vehicle, boat, trailer, utility trailer, camper or any like business or recreational vehicle in the required front yard of any residential district.
- E. No person may offer more than three motor vehicles per year for sale on a recurrent basis in any residential district.

§ 320-39. Surfacing.

All off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 40,000 pounds (normally, a two-inch blacktop on a four-inch base). Compacted stone or gravel may be used only with the approval of the Planning Commission.

§ 320-40. Number of stalls.

Minimum number of parking stalls required are shown in the following table:

Single-family dwelling and mobile homes	2 stalls for each dwelling unit
Multifamily dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 3 seats
Colleges, secondary and elementary schools	1 stall for each employee
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of area

Manufacturing and processing plants, laboratories and warehouses	1 stall for each employee per shift
Financial institutions; business, governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 100 square feet of floor space
Bowling alleys	5 stalls for each alley
Bed-and-breakfast establishments	1 off-street stall for each guest room
Large merchandise retail (hardware, furniture, appliances)	1 stall for each 300 square feet of retail floor area
[Added 10-13-2008]	

§ 320-41. Uses not listed.

In the case of structures or uses not mentioned, the provision for a use, which is similar, shall apply, as determined by the Planning Commission.

§ 320-42. Handicapped parking requirements.

In addition to any other requirements relating to parking spaces contained in this chapter, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

§ 320-43. Changes in buildings or use.

Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

§ 320-44. Signs.

Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this chapter.

§ 320-45. Reduction of parking areas.

Off-street parking spaces shall not be reduced in numbers unless said number exceeds the requirement set forth herein.

ARTICLE VII
Signs, Billboards and Canopies
[Amended 7-13-2009]

§ 320-46. Purpose.

The purpose of these regulations is to create the legal framework to regulate, administer and enforce outdoor sign advertising and display. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising and communication.

§ 320-47. Authorization.

These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:

- A. Complying with the zoning regulations.
- B. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- C. Legible, readable and visible in the circumstances in which they are used.
- D. Respectful of the reasonable rights of other advertisers whose messages are displayed.

§ 320-48. Definitions.

The following definitions shall be applicable in this chapter:

ABANDONED SIGN — A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed or elsewhere.

AREA OF COPY — The entire area within a single, continuous perimeter composed of squares, rectangles or circles, which encloses the extreme limits of the advertising message, announcement or decoration of a wall sign.

AREA OF SIGN — The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.

BILLBOARD — See "off-premises sign."

BULLETIN BOARD AND IDENTIFICATION SIGNS — Bulletin boards and identification signs for churches, schools and other permitted institutions and nonprofit organizations.

CANOPY SIGN — Any sign attached to or constructed in, on or under a canopy, marquee or awning.

CHANGEABLE MESSAGE SIGN — A sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board.

COPY AREA — The geometric area in square feet that encloses the actual copy of the sign.

DIRECTIONAL SIGN — Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances and exits.

ELECTRIC SIGN — Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.

FLASHING SIGN — Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source, not including changeable message signs.

FRONTAGE — The length of the property line of any one premises parallel to and along each public right-of-way it borders.

GRADE — The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

GROUND SIGN — A sign erected on one or more freestanding supports on uprights and not attached to any building.

GROSS AREA — The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one modular sections, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for area of copy apply.

HEIGHT OF SIGN — The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign or structure.

ILLUMINATED SIGN — A sign, which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.

INTEGRATED SHOPPING CENTER — A shopping center in single ownership or under unified control and containing three or more separate businesses.

LEGAL NONCONFORMING SIGN — A nonconforming sign that did meet regulations when it was originally installed.

MULTIFACED SIGN — A sign with copy on two or more faces that are legible from more than one direction.

NONCONFORMING SIGN — A sign that does not meet Code regulations.

OFF-PREMISES SIGN — A sign which advertises goods, products, facilities or services not on the premises where the sign is located, or directs persons to a different location from which the sign is located.

ON-PREMISES SIGN — Any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

PORTABLE SIGN — Any sign not permanently attached to the ground or a building.

PROJECTING SIGN — A sign, normally double faced, which is attached to and projects from a structure or building fascia.

ROOF SIGN — A sign erected upon, against or above a roof.

SIGN — Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a produce, service, place, activity, person, institution, business of solicitation, including any permanently installed or situated merchandise. Signs shall also include all sign structures.

SIGN CONTRACTOR — Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.

SIGN STRUCTURE — Any device or material, which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.

SWINGING SIGN — A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

WALL SIGN — A sign attached to the wall or a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.

WINDOW SIGN — A sign installed in or on a window for purposes of viewing from outside the premises.

§ 320-49. Permits, applications, fees, issuance and denial, appeals, indemnification.

- A. Permits required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Greenville without first obtaining a sign permit for each sign from the Town Administrator as required by this article. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
- B. Application for a permit. Application for a permit shall be filed with the Town Administrator upon forms provided by the Town and shall contain the following information:

- (1) The name, address and telephone number of the sign owner, the property owner, where the sign is or will be located and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with locations, setbacks, size and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Calculations or evidence showing that the structure and design meets the requirements of these regulations for wind pressure load.
 - (4) Such other information as the Town Administrator may require to show full compliance with this and all other applicable laws of the Town.
 - (5) Signature of the applicant.
 - (6) All required fees.
- C. Permit fees. Application for permit shall be filed with the Town Administrator, together with a permit fee for each sign in accordance with the Building Permit Fee Schedule. Signs installed without a permit shall be removed after proper notice.⁹
- D. Permit issuance and denial. The Town Administrator shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign when the permit application is properly made, all appropriate fees have been made, and the sign complies with the appropriate laws and regulations. If the sign permit is denied by the Town Administrator, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.
- E. Sign permit appeal. In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within 10 days after receipt of notice that the sign involved does not conform to the chapter. In the event that the appeal is not made in writing to the Appeals Board within such ten-day period, a variance shall not be granted. The Board of Zoning Appeals shall take action on any variance request within 60 days of receipt of the variance application. The Town Administrator shall comply with and enforce the Board of Zoning Appeals decision.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- F. Indemnification for sign installation and maintenance. All persons engaging in the installation or maintenance of signs which involves in whole or in part the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property, when such property is used or encroached upon, shall agree to hold harmless and indemnify the Town, its officers, agents, employees from any and all claims resulting from erection, alteration, relocation, maintenance of the sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.

§ 320-50. Legal nonconforming signs.

- A. Notification of nonconformance. Upon determination that the sign is nonconforming, the Town Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
- (1) The sign's nonconformity.
 - (2) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
- B. Signs eligible for characterization as legal nonconforming. Any sign located within the Town limits on the date of adoption of this chapter which does not conform with the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
- (1) The sign was covered by a proper sign permit prior to the date of adoption of this chapter.
 - (2) No permit was required under applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this chapter.
- C. Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
 - (2) The sign is relocated.
 - (3) The sign fails to conform to this chapter regarding maintenance and repair, abandonment, or dangerous or defective signs.
 - (4) The sign is destroyed by any means to the extent of more than 50% of its fair market value, except as provided in § 60.61(5m), Wis. Stats.¹⁰

- (5) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor or shall be removed.
- D. Legal nonconforming sign maintenance and repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs.

§ 320-51. Removal and disposition of signs.

- A. Maintenance and repair.
- (1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
- (2) The Town Administrator shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the Town Administrator shall require its removal in accordance with this article.
- B. Abandoned signs. All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payments and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Town Administrator shall give the owner 60 days' written notice to remove said sign. Upon failure to comply with this notice, the Town may cause removal to be executed, the expenses of which will be assessed on the tax roll to the property on which the abandoned sign is located.
- C. Deteriorated or dilapidated signs. The Town Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.

§ 320-52. Prohibited signs. [Amended 1-8-2018 by Ord. No. 11-17]

The following signs shall be prohibited within the Town:

- A. Abandoned signs.
- B. Billboards and off-premises signs.
- C. Flashing or moving signs. All blinking and flashing signs are prohibited. Changeable-message signs may be allowed subject to Town approval.

- D. Swinging signs.
- E. Floodlighted and illuminated signs. Signs may be floodlighted or illuminated, subject to the following restrictions.
 - (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance are prohibited.
 - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device and signal.
- F. Unclassified signs. The following signs are prohibited:
 - (1) Those which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - (2) Signs which are an imitation of or resemble in shape, size, copy or color an official traffic sign or signal.

§ 320-53. Signs not requiring a permit.

- A. Construction signs. Two construction signs per construction site, not exceeding 100 square feet in area each, shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy, whichever is sooner.
- B. Direction and instructional nonelectric signs. Direction and instructional nonelectric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances and exits.
- C. Identification signs and bulletin boards.
- D. Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossings signs and signs of public utilities, including danger and aids to service and safety which are erected by or on the order of a public officer in the performance of his public duty.
- E. House numbers and name plates. Each building in the Town which has a street address shall have numerals indicating the official numbers

either in numbers or in words spelling out the numbers in a manner so as to be visible from the road on which the property is located. Those buildings more than 60 feet from the roadway shall have the numbers mounted on a post visible from the roadway and to the left of the driveway when facing the front of the principal building. All units contained within larger buildings shall also have individual addresses clearly displayed.

- F. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this chapter.
- G. Memorial signs and plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building, or when constructed of bronze or other noncombustible material not more than four square feet in area.
- H. No-trespassing or no-dumping signs. No-trespassing and no-dumping signs not to exceed 1 1/2 square feet in area per sign.
- I. Public notices. Official notices posted by public officers or employers in the performance of their duties.
- J. Public signs. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.
- K. Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - (1) Said signs shall be removed within seven days following the general election.¹¹¹²
 - (2) No sign shall be located within 15 feet of the public right-of-way at a street intersection, over the right-of-way, nor on any public-owned property.
- L. Real estate signs. One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
 - (1) In residential districts and the general commercial district, such signs shall not exceed eight square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12. Editor's Note: Original Subsection (k)(2), providing sign size limits, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
- M. On-premises symbols or insignia. Religious symbols, commemorative plaques or recognized historic agencies or identification emblems of religious orders or historic agencies.
- N. On-premises temporary signs. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, education, religious organizations, provided such signs are posted not more than 30 days prior the event.
- O. Vehicular signs. Truck, bus, trailer or other vehicles, while operating in the normal course of business which is not primarily the display of signs.

§ 320-54. Construction specifications.

- A. Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number and the voltage of any electrical apparatus used in connection therewith.
- B. All signs shall comply with the provisions of the Town of Greenville Building Code¹³ and the current National Electrical Code and the additional construction standards hereinafter set forth.
- C. All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- D. Electrical service to ground signs shall be concealed wherever possible.
- E. All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade.
- (1) For solid signs, 30 pounds per square foot of the sign and structure.
- (2) Skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- F. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.

13. Editor's Note: See Ch. 85, Building Construction.

- G. Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

§ 320-55. Special signs.

- A. Temporary subdivision development signs. The Town Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:

- (1) Such permits may be issued for a period of not more than two years and may be reviewed for additional periods of up to one year and upon written application at least 30 days prior to its expiration.
- (2) Signs as used in this article refer to all types of signs except those excepted or prohibited by this chapter.
- (3) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
- (4) The sign may not exceed 80 square feet.
- (5) One sign is allowed for each major street adjacent to the subdivision.

- B. Permanent subdivision name signs should be reviewed and approved as part of the plat approval process outlined in Chapter 270, Subdivision Control, of the Code of the Town of Greenville.

- C. Banners and pennants.

- (1) Banners and pennants shall not be used on a permanent basis. They may be permitted as special promotion in a commercial or industrial establishment for a total period not to exceed 30 days and will be allowed in residential zones in conjunction with an open house or model home demonstration conducted by a realtor for up to five days before opening of such a demonstration or five days after and not to exceed a total period of 30 days. A special permit must be obtained from the Town Administrator.
- (2) Over-the-street banners. Unlighted special civic event banners not exceeding 150 square feet in area are permissible over a street right-of-way by special permit from the Town Board after presentation of proof of insurance along with installation specifications.

- D. Portable signs.

- (1) Permit. Any person wishing to place a portable sign on his premises or the premises of another shall first obtain a permit from the Town Administrator. Permits shall be issued for a period not to exceed 60 days in any calendar year. Any sign remaining on the premises for

more than 60 days in any calendar year shall be deemed to be a permanent sign and shall meet all requirements for a permanent sign.

- (2) Size. No portable sign shall exceed 32 square feet and no portable sign shall be over seven feet in height from grade level.
 - (3) Setback. All portable signs shall have a minimum setback from the front property line of 10 feet or an additional setback as deemed necessary by the Town Administrator for the safe flow of vehicle pedestrian traffic.
- E. Integrated shopping center. For integrated shopping centers in single ownership or under unified control and containing several businesses, the following regulations shall apply:
- (1) Each business or office shall be eligible for one attached sign. The area of such sign shall not exceed, in square feet, two times the lineal front footage of the business or office.
 - (2) One ground sign for shopping center identification with the height of 30 feet is permitted. If the shopping center is on a corner, either one corner sign or two signs, one on each street, is permitted. If two signs are installed, they must be placed at least 200 feet from the lot corner at the intersection. The area of such sign shall not exceed, in square footage, the lineal front footage of the lot or 300 square feet, whichever is less. No sign shall be closer than 10 feet to a property line unless the adjacent property is a residential district, in which case the sign shall be set back 25 feet.

§ 320-56. Permitted signs.

- A. Residential signs. All signs are prohibited in the R1 and R2 Residential Districts, except the following. This does not apply to uses requiring a special use permit, in which case size and location shall be determined by the zoning staff. No permit is required for these excepted signs:
- (1) Signs over show windows or doors of a legal nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two square feet.
 - (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 - (3) Name, occupation and warning signs not to exceed six square feet located on the premises - unlighted.
 - (4) Bulletin boards for public, charitable or religious institutions not to exceed 20 square feet in area located on the premises.

- (5) Memorial signs, tablets, names of buildings and date or erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Advertising apartment. Signs advertising apartments shall be no larger than 32 square feet and shall be 10 feet off the property line.
- B. Business and industrial signs. Signs are only permitted in business and industrial districts subject to the following restrictions:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not exceed 400 square feet in area for any one premises, except as otherwise provided in individual district regulations.¹⁴
 - (2) Projecting signs fastened to, suspended from or supported by structures shall not:
 - (a) Exceed 100 square feet in area for any one premises;
 - (b) Extend more than six feet into any required yard;
 - (c) Be less than 8 1/2 feet above the sidewalk grade;
 - (d) Be less than 15 feet above a driveway; and
 - (e) Exceed a height of 25 feet above the mean center line street grade.
 - (3) Ground signs shall not exceed 25 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on the side nor 200 square feet on all sides for any one premises. No sign shall be closer than 10 feet to a property line unless the adjacent property is a residential district, in which case the sign shall be set back 25 feet.
 - (4) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located and shall not exceed 300 square feet on all sides for any one premises.
 - (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

§ 320-57. Canopies and awnings.

- A. Permit required. No canopy or awning shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a canopy/awning permit.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Canopy and awning restrictions. Canopies and awnings are permitted in all districts. Canopies shall not be less than 8 1/2 feet above the sidewalk grade; shall not be less than 15 feet above a driveway; and shall meet all the structural requirements of the Town Building Code.¹⁵
- C. Existing canopies and awnings. Canopies and awnings lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this article. However, they shall be deemed a nonconforming use or structure, and the provisions of Article IV of this chapter shall apply.

15. Editor's Note: See Ch. 85, Building Construction.

ARTICLE VIII
Landscaping Requirements

§ 320-58. Purpose.

The purpose of this article is to enhance the appearance of the Town by improving the quality of landscaping, buffering and screening at commercial and industrial properties. Criteria and standards are provided to ensure that building sites and off-street parking areas are sufficiently landscaped to protect and preserve the appearance, character and value of surrounding properties and public right-of-way, thereby promoting the general welfare, safety and aesthetic quality of the Town of Greenville.

§ 320-59. Applicability.

The provisions of this article shall apply to any developments allowed as a permitted use, requiring site plan approval, or a special use in the GC, CP, IND, AD, R3 and any developments allowed as a special use in the R1, R2 and the districts. Any development occurring on vacant land shall be in full compliance with the provisions of this article. Existing occupied developments that do not conform with the provisions of this article may be continued until such time that any of the following occur: the gross floor area of the building is increased by more than 10% or 5,000 square feet, whichever is less, necessitates application of the buffer yard landscaping, and screening requirements; an increase in the number of parking or loading spaces beyond the number currently existing necessitates application of the interior landscaping, and screening requirements in the area occupied by the newly created spaces. The provisions of this article must be met within nine months of occupancy to the extent that all other standards and requirements of the Zoning Code can be maintained on the site.

§ 320-60. Approval procedure.

A landscape plan is required in conjunction with site plans, pursuant § 320-220C of this chapter, and must be submitted before application for a building permit. The landscape plan shall be filed for review and approval with the Town Administrator along with submittal of a review fee as established by the Town Board. The Planning Commission or Town Administrator shall review, add conditions as appropriate and approve the landscape plan.

§ 320-61. Landscape plan requirements.

Landscape plans submitted for review shall be drawn to an appropriate scale and shall include at a minimum the following information:

- A. The name and address of owner/developer, and name of the landscape architect/designer.

- B. Date of plan preparation, date and description of all plan revisions, name of project or development, scale of plan, and north marker.
- C. The location of all lot lines, locations of all existing and proposed easements and rights-of-way, and elevation, topography, and cross-section details as determined necessary by the Planning Commission.
- D. The location of all existing and proposed structures, parking and loading areas, parking spaces (numbered), driveways, sidewalks, ground signs, refuse disposal areas, fences, freestanding electrical and other utility equipment, and other site improvement features as determined necessary by the Planning Commission.
- E. The location and contours at one-foot intervals, of all proposed berms.
- F. The location, caliper size, and species (common and botanical name) of all existing plant material on the site and designation of intended treatment (save, move, remove).
- G. The location, caliper size at planting and species (common and botanical name) of all proposed plant materials, and location and description of all ground cover and turf grasses.
- H. A schedule of all new plants proposed for planting, and those existing plants that will be saved, including size (caliper, height, container size, etc.), condition (bare-root, balled-and-burlapped, container-grown, or preexisting), planned installation date, and common and botanical names (genus, species, and variety).
- I. A schedule itemizing the total square foot area of all greenspace proposed on the lot, the total square foot area of off-street parking, the number of off-street parking spaces, the number and square foot area of each interior island and peninsula.

§ 320-62. Landscape standards.

Landscaping required under this article shall be of four types as specified below: lot line landscaping, interior landscaping, bufferyard landscaping, and screening requirements:

- A. Lot line landscaping. A minimum twenty-foot front strip extending along the lot adjacent to all road right-of-way plus a minimum ten-foot strip along all other lot lines shall be landscaped as described below.
 - (1) Lot line landscape strips required in R3, GC, CP, AD, shall be planted with a minimum of one shade tree and six shrubs per 40 linear feet of frontage, excluding driveway openings.
 - (2) Lot line landscape strips required in IND Districts shall be planted with a minimum of one shade tree and three shrubs per 40 linear feet of frontage, excluding driveway openings.

- (3) Where it is deemed appropriate or desirable to construct a berm in the lot line landscape strip in order to restrict view and/or to absorb noise, the Planning Commission can require this option for a landscape plan in any of the zoning districts. The slope of the berm shall be planted with a minimum of one shade tree and three shrubs per 40 linear feet of frontage, excluding driveway openings.
- B. Interior landscaping. Curbed planting islands or peninsulas shall be provided in off-street parking areas as described below.
- (1) Parking spaces must be separated by a planting island or peninsula at the rate of one island/peninsula for each row of 12 consecutive parking spaces for single row configurations, or for each 24 consecutive parking spaces in double-row configurations.
 - (2) Each island or peninsula shall be at least 180 square feet in area for single-row configurations, and 360 square feet in area for double-row configurations.
 - (3) One tree shall be planted in each island or peninsula, or within 10 feet of the periphery of the parking area.
 - (4) Where practicable, islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas. Planted boulevards within off-street parking areas may be considered as an alternative to islands and peninsulas.
- C. Buffer yard landscaping. Any commercial or industrial use that is adjacent to a residential use or zoning district shall provide a landscaped buffer yard along the full length of the affected side and/or rear yard to afford protection to the residential uses from the glare of lights, from visual encroachment, and from the transmission of noise. Required buffer yards shall be landscaped as described below. Combinations of trees, shrubs, berms and fences shall create screening which is at least 50% impervious at planting to sight.
- (1) Buffer yards required for commercial shall be a minimum 10 feet wide and shall be planted with 10 evergreen trees, three shade trees, five ornamental trees, and 25 shrubs per 100 linear feet.
 - (2) Buffer yards required for industrial developments shall be a minimum 25 feet wide and shall be planted with 15 evergreen trees, three shade trees, and five ornamental trees per 100 linear feet.
 - (3) As an alternative to these buffer yard landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line, with the remainder of the required buffer yard planted with a minimum of two shade trees and five evergreen trees per 100 linear feet.

(4) The required buffer yard shall be a greenspace where no portion of a building, parking, driving, loading, or storage area may be located.

D. Screening requirements. The intent of these requirements is to provide a visual screen around service, equipment and vehicle storage, and trash collections areas contained within commercial and industrial properties. At the time of installation or planting, screening materials must be 50% impervious at planting to sight, and be sufficiently high and long to accomplish the desired blockage of view year round.

(1) Screening. All loading, service and equipment and vehicle storage areas on commercial and industrial properties shall be screened from view to all adjacent properties. Screening materials may consist of the following:

(a) For commercial properties, there shall be a minimum ten-foot wide strip and shall be planted with 10 evergreen trees, three shade trees, five ornamental trees, and 25 shrubs per 100 linear feet.

(b) For industrial developments, there shall be a minimum twenty-five-foot-wide strip and shall be planted with 15 evergreen trees, three shade trees, and five ornamental trees per 100 linear feet.

(c) As an alternative to these landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line, with the remainder of the required strip planted with a minimum of two shade trees and five evergreen trees per 100 linear feet.

(d) The required strip shall be a greenspace where no portion of a building, parking, driving, loading, or storage area may be located.

(2) Trash collection areas. All exterior storage in refuse disposal areas, trash collection dumpsters, and trash pads on commercial and industrial properties shall be located and oriented to be as inconspicuous as possible. They shall be screened from view to all adjacent properties, all adjacent road right-of-way, and if located within commercial developments, from view to on-site entrance drives and parking areas. Screening materials may consist of the following:

(a) A six-foot high sight-tight fence or wall; or

(b) An evergreen screen (height, spacing, and variety to be determined and approved by the Planning Commission).

§ 320-63. Planting specifications.

Plant materials provided in conformance with the requirements of this article shall be equal to or better in quality than the standards of the American Association of Nurserymen. The minimum sizes of plant materials that shall satisfy the requirements of this article are as follows:

- A. Shade tree: 2 1/2-inch caliper.
- B. Ornamental tree: 1 1/2-inch caliper.
- C. Evergreen tree: five feet height.
- D. Shrub: 18 inches to 24 inches height or spread.

§ 320-64. Substitutions and modifications.

- A. To meet unique site design conditions or to overcome obstructions, conflicts, or other factors, the Planning Commission may approve planting substitutions as described below.
 - (1) Two ornamental trees may be substituted in place of one shade tree.
 - (2) Two evergreen trees may be substituted in place of one shade tree.
 - (3) One evergreen tree may be substituted in place of five shrubs.
 - (4) One shade tree may be substituted in place of 10 shrubs.
- B. While plant materials should generally be distributed proportionately on the lot in accordance with the standards of this article, the Planning Commission can require alterations and variations in the planting pattern, on a case-by-case basis, to maximize the effectiveness of the installed landscaping.

§ 320-65. Installation; certification.

All landscaping, buffering, and screening improvements required under this article must be completed on a schedule approved by the Planning Commission. Within 30 days of the installation of plant materials, the owner/developer shall submit written certification to the Planning Commission that healthy plant materials were properly installed in accordance with the approved landscape plan.

§ 320-66. Maintenance.

The owner of the lot on which landscaping has been provided shall be responsible for protecting and maintaining all plant materials and landscape areas in a healthy and growing condition and shall be responsible for keeping them free from refuse, debris, and weeds. Failure to maintain or replace dead or diseased plant materials during the next appropriate

planting period shall constitute a violation of the provisions of the Zoning Code.

§ 320-67. Airport height limitation zones.

Owners of lots within an Airport Overlay Zone should be aware of height restrictions set by Outagamie County when planting a tree species that is meant to grow very tall.

ARTICLE IX

Communication Towers, Antennas and Related Facilities**§ 320-68. Intent.**

It is the intent of this article to allow for the necessary radio, television, cellular and other wireless communication to encourage co-location and utilization of existing structures, and to minimize visual impacts to surrounding properties.

§ 320-69. Definitions.

For the purpose of this article, the following definitions shall apply:

ALTERNATIVE TOWER STRUCTURE — Clock towers, bell steeples, light poles, electric transmission tower facilities, silos and similar mounting structures that camouflage or conceal the presence of antennas.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

CO-LOCATION — Location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

FAA — Federal Aviation Administration.

FCC — Federal Communications Commission.

PREEXISTING TOWER/ANTENNA — Any tower or antenna for which a building permit or special exception permit has been properly issued prior to the effective date of this amendment.

TOWER — Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmissions towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

§ 320-70. Applicability.

- A. The requirements of this article shall apply to all communication towers and antennas, except for towers and antennas owned and operated by federally licensed amateur radio station operators or are receive-only antennas.
- B. Preexisting towers and antennas shall also be exempt from these regulations.

- C. Antennas or towers located on property owned, leased or otherwise controlled by a unit of government shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

§ 320-71. Antennas.

- A. Permitted use. Installing an antenna on an existing alternative tower structure or existing tower shall be permitted in any zoning district, provided the antenna adds no more than 20 feet to the height of the existing structure. Where the addition of the antenna adds more than 20 feet to the height, a special exception permit shall be required.
- B. Design. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

§ 320-72. Communication towers.

- A. Special exception use. Communication towers shall be a special exception in the General Agricultural, Exclusive Agricultural, General Commercial, and Industrial Districts.
- B. Utilizing existing structures. No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event that the Town determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. The applicant may provide names of consultants that the applicant believes are qualified to assist in resolving the issues. Such demonstration may include one or more of the following reasons:
- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the engineering requirements.
 - (3) Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - (4) The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.

- (5) The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.
- C. Co-location. Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antenna and comparable antenna for up to two additional users. Towers must be designed to allow for future rearrangement of antennas upon lattice towers and to accept antennas mounted at varying heights.
- D. Construction. All telecommunication towers constructed, erected or located within the jurisdictional limits of this chapter shall comply with all applicable state and local building codes, as well as the applicable standards for towers that are published by the Electronic Industries Association.
- E. Design. Proposed or modified towers shall blend in with the surrounding environment, except as may be required by rules of the FAA and FCC. Any associated utility buildings shall also blend in with the character of the district in which it is located.
- F. Lighting. Telecommunication towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.
- G. Signage. No signs or billboards, other than warning or equipment information signs, shall be located on any telecommunication tower.
- H. Security and landscaping. Ground-mounted equipment and utility buildings shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the telecommunication tower shall be fenced with materials impervious to sight and secured so that it is not accessible by the general public.
- I. Setbacks. Telecommunication towers shall be set back from adjacent property lines a minimum of 50% of the tower height. When part of a parcel is being leased for a tower, setbacks shall be measured from the boundary of the leased area to the adjacent property line.
- J. Height restrictions. The maximum height of a proposed telecommunications tower shall be 200 feet, or in an Airport Overlay District as governed by Outagamie County height limitations, and shall be designed for co-location.
- K. Separation between towers. Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of the proposed tower. No proposed tower shall be permitted to locate within 5,000 feet of an existing tower without Planning Commission and Town Board approval.

- L. The towers shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. Additionally, the owner and operator of such towers shall execute an agreement holding Town of Greenville harmless for any transmission or reception interference caused by such tower.
- M. The tower owner shall provide for co-location at market rates for others' servers.

§ 320-73. Removal of abandoned antennas and towers.

Any antenna or telecommunication tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove them within 90 days of receipt of notice from the Town of Greenville notifying the owner of such abandonment. If the antenna or tower is not removed within the said ninety-day period, the Town of Greenville may remove such antenna or tower at the owners expense. If there are two or more users of a single tower, then the provision shall not become effective until all users cease operation.

§ 320-74. Application procedure.

- A. Permitted use. No tower or antenna shall be installed or constructed without first obtaining a building permit. As part of the building permit application, the applicant shall provide to the Town of Greenville Zoning Administrator, in addition to the Building Inspector, a scaled site plan indicating location, type and height of the proposed tower and appurtenant equipment. The site plan shall also indicate setback distances and separation distances from existing or approved tower sites. A landscape plan should also be submitted that includes both vegetative and non-vegetative screening materials. To ensure that abandoned towers and antennas are properly dealt with, the applicant shall submit a performance bond or other financial guarantee to the Town sufficient in an amount equal to 10% of the total tower cost.
- B. Lease review fees. All reasonable and appropriate legal fees expended by the Town during review of an application or lease agreement shall be paid for by the applicant.
- C. Special exception use. No tower or antenna shall be installed or constructed in districts that require a special exception permit without following the requirements of Article XXVII of this chapter.

ARTICLE X
Resource Extraction

§ 320-75. Purpose.

The purpose of this article is to regulate resource extraction sites within the Town of Greenville, with the intent that the property may later be reused for other permissible uses and structures as possible, and further to regulate the activity at the resource extraction sites so that it is in conformity with the harmony and peaceful enjoyment of their respective property by other citizens of the Town of Greenville.

§ 320-76. Existing operations.

The requirements of this article shall apply to all existing resource extraction sites as well as any future resource extraction sites in the Town of Greenville.

§ 320-77. Permits.

- A. Each resource extraction site shall hold a resource extraction permit from the Town of Greenville. The Town Board of the Town of Greenville shall establish the fee for such permit. The fees shall be established by the Town Board prior to January 1. The permit shall be issued from July 1 of one year to June 30 of the next year by the Town Clerk of the Town of Greenville upon approval of the Greenville Town Board prior to the person conducting and maintaining a resource extraction operation.
- B. No person shall be issued or reissued a resource extraction permit in the Town of Greenville if the applicant for the resource extraction permit:
- (1) Fails to meet or comply with the reclamation standards established in the Outagamie County ordinances adopted by the Town.¹⁶
 - (2) Fails to develop and submit to the Town Board a resource extraction operation plan and fails upon operation to comply with the plan.
 - (3) Fails to develop and submit to the Town Board a resource extraction reclamation plan, as required by the Outagamie County ordinance for nonmetallic mining reclamation adopted by the Town, and fails upon operation to comply with the plan.¹⁷
 - (4) Fails to submit and maintain the financial assurance requested by the Town Board.
 - (5) Fails to install and maintain adequate firesafety equipment at the resource extraction operation as determined by the Fire Inspector.

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (6) Fails to install and maintain adequate sanitary facilities at the resource extraction operation as determined by the Town Board.
- (7) Fails to comply with the operational hours for operation of the resource extraction operation.
- (8) Fails to meet the Town Building Code¹⁸ for resource extraction site.
- (9) Fails to install, provide and maintain adequate and necessary physical structures, equipment and operational controls as determined by this article to prevent public nuisances and to protect the public health and safety to persons residing near the resource extraction operation or persons entering the resource extraction operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- (10) Fails to maintain adequate public liability insurance for the resource extraction site as determined by the Town Board.
- (11) Fails to comply with this chapter and applicable Outagamie County ordinances.¹⁹
- (12) Fails to provide and maintain adequate security and operations personnel at the resource extraction site to prevent trespassing on to the resource extraction as determined by the Town of Greenville.
- (13) Fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering, discharging of waste and to prevent private nuisances on private and public lands adjacent to the resource extraction site.
- (14) Fails to provide adequate sanitary personnel at the resource extraction operation as determined by the Town of Greenville, fails to maintain adequate sanitary facilities at the resource extraction site and fails to keep the resource extraction site free of trash, papers, standing water, noxious weeds and other debris during and after daily operations at the resource extraction site.
- (15) Fails to allow physical access to the resource extraction site by the Town of Greenville or designee for the inspection purposes upon 24 hours' notice to the applicant or permittee.
- (16) Hours of operation shall be 6:30 a.m. to 6:30 p.m., Monday through Friday, and 6:00 a.m. to 3:30 p.m., Saturday.
- (17) Noise levels shall be no more than 60 decibels for more than one hour, to be measured at 100 feet from owner's property line.

18. Editor's Note: See Ch. 85, Building Construction.

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-78. Application.

The application and permit shall designate the premises to be used by the permitted person for the resource extraction operation. The permit may not be amended if the person changes premises in the Town of Greenville for the resource extraction site. The application for permit shall contain:

- A. The name, address, phone and fax numbers of the property owner and name of the responsible party.
- B. Tax key number for each parcel.
- C. Resource extraction operations plan/reclamation plan.
- D. Financial assurance in an amount determined by the Town Board.
- E. Proof of liability insurance coverage.
- F. Security plan for the site.

§ 320-79. Exemptions.

Persons will be exempt from this permit requirement if they excavate or grade solely for domestic use at a residence, grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster, any activities conducted at a solid or hazardous waste disposal facility site required to prepare, operate or close a solid waste disposal facility, but a resource extraction reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a facility such as activities to obtain resource extraction to be used for lining, capping, covering or constructing berms, dikes or roads for the solid waste facility or the hazardous waste facility.

§ 320-80. Area and setback requirement.

The parcel shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse affects on adjacent lands. No operations shall be permitted within 100 feet of any exterior boundary of the tract or within 250 feet of any building intended for human occupancy existing at the time of permit application. For operations involving blasting, processing, or manufacturing, the Town Board may increase required setbacks as a condition of approval.

§ 320-81. Location.

Location shall be appropriate to existing development, and development that may reasonably be expected within the time period specified herein for permits. The site shall be so located as to make it unnecessary to conduct trucking operations on any platted street in a residential subdivision.

§ 320-82. Violations and penalties.²⁰

Any person, firm, or corporation who violates any provision of this article shall, upon conviction, be subject to a forfeiture amount set from time to time by ordinance in the Fine and Forfeiture Schedule of the Town of Greenville. For the hours of operation, each additional hour or part thereof shall be considered a separate offense.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XI
Schedule of District Regulations

§ 320-83. Interpretation and organization.

- A. All uses and structures, dimensional, sign and off-street parking regulations and district regulations shall be as set forth in the following articles and as modified and supplemented by the remainder of this chapter.
- B. Permitted principal and accessory uses and structures listed for any district shall be permitted by right subject to the conditions as specified. Any use or structure not listed for the district shall be prohibited except as provided in Subsection D of this section.
[Amended 7-12-2012]
- C. Special exception uses and structures listed for any district are permissible only upon approval by the Town of Greenville Planning Commission and the Town Board after notice and hearing subject to the conditions as specified and any other conditions as may be imposed by the Planning Commission to promote the general health, safety and welfare. Any use or structure not listed for the district shall be prohibited except as provided in Subsection D of this section.
[Amended 7-12-2012]
- D. In those instances where district regulations set forth a list of permitted or permissible uses followed by the phrase "and uses of a similar nature," it is understood that the list of permitted or permissible uses is not exhaustive or all inclusive but that other uses of a like or similar nature are also permitted or permissible. Determination of whether a specific use, not enumerated, is of a like or similar nature shall be made by the Zoning Administrator. The determination by the Zoning Administrator may be appealed as provided in § 320-238.

ARTICLE XII
AED Exclusive Agricultural District

§ 320-84. Purpose.

The intent of this district is to maintain highly productive agricultural lands in agricultural production by effectively limiting encroachment of nonagricultural development; by minimizing land use conflicts between agricultural and nonagricultural uses; and by minimizing public service and facility costs associated with nonagricultural development. This district is further intended to comply with standards contained in Ch. 91, Wis. Stats., to permit eligible landowners to receive tax credits under § 71.09, Wis. Stats., in connection with their agricultural operations.

§ 320-85. Permitted principal uses and structures.

- A. Agricultural uses including beekeeping, dairying, floriculture, poultry and livestock raising, stables, and orchards, raising of grain and seed crops, raising of grass and mint, raising of nuts and berries, raising of fruits and vegetables, viticulture, and forest and game management.
- B. Dwellings existing before the effective date of adoption of this chapter that are not accessory to or associated with agricultural uses.
- C. For purposes of farm consolidation, farm residences or structures that existed prior to the effective date of adoption of this chapter may be separated from the larger farm parcel.
- D. Single-family detached dwellings.

§ 320-86. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures. Single-family dwellings shall be considered accessory to agricultural uses, provided such dwellings are occupied by a person or a family at least one member of which earns a substantial part of his or her livelihood from farming operations on the farm parcel or is the parent or child of the farm operator.
- B. One roadside stand per farm used solely for the sale of products produced on the premises.
- C. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-87. Special exception uses and structures.

- A. Fur farms.
- B. Riding stables.
- C. Governmental uses including landfills, highway storage facilities and public buildings.

- D. Home occupations.
- E. Communication towers: see Article IX of this chapter.
- F. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-88. Dimensional requirements.

- A. Permitted principal uses and structures.
 - (1) Lot area: minimum 35 acres.
 - (2) Front yard:
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (3) Rear yard: minimum 50 feet.
 - (4) Side yard: minimum 50 feet.
 - (5) Lot width: minimum 200 feet.
- B. Accessory structures.
 - (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.
 - (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) No building shall be located within 12 feet of any other building.
 - (2) For buildings 151 feet to 750 square feet in area:
 - (a) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet.
 - (c) Side yards: minimum 12 feet.
 - (d) Height: maximum 20 feet.

- (e) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-89. Permitted accessory signs.

- A. One sign, not exceeding 100 square feet in area, identifying the premises or establishment.
- B. One sign, not exceeding 25 square feet in area, advertising the sale of farm products on the premises.
- C. Temporary signs for the sale or lease of the property.

ARTICLE XIII
AGD General Agricultural District

§ 320-90. Purpose. [Amended 12-13-2004]

The intent of this district is to maintain open land areas predominantly devoted to farming and agricultural related uses. It is anticipated that while certain areas within this district will eventually be used for nonagricultural uses, the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is intended that any residential development be limited to individual home sites on lots of record or created by certified survey map.

§ 320-91. Permitted principal uses and structures.

- A. Agricultural uses including beekeeping, dairying, floriculture, poultry and livestock raising, stables, orchards, raising of grain and seed crops, raising of grass and mint, raising of nuts and berries, raising of fruits and vegetables, viticulture, and forest and game management.
- B. Parks, preserves.
- C. Single-family dwellings as a principal use and structure on individual lots created by certified survey map and not a recorded subdivision plat. Residential subdivision plats are not permitted in this district.
[Amended 12-13-2004]

§ 320-92. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. One roadside stand per farm used solely for the sale of products produced on the premises.
- C. Public utility installations not requiring a certificate of public convenience and necessity issued by the Wisconsin PSC.

§ 320-93. Special exception uses and structures.

Setbacks to be determined by the Planning Commission in the special use permit process, but not less than setbacks established in zone.

- A. Fur farms.
- B. Riding stables.
- C. Governmental uses including landfills, highway storage facilities and public buildings.
- D. Two-family dwellings provided that the dimensional requirements of Article XV of this chapter are met.

- E. Cemeteries.
- F. Veterinary, medical and dental clinics. **[Amended 11-13-2017 by Ord. No. 10-17]**
- G. Resource extraction uses, including quarrying and sand and gravel pits subject to the requirements to Article X of this chapter.
- H. Outdoor commercial recreational uses including recreational camps, golf courses, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
- I. Commercial exhibits of historical or natural significance.
- J. Airports, public or private.
- K. Dog kennels.
- L. Bed-and-breakfast establishments.
- M. Public and semipublic nonprofit institutional uses including churches, schools, libraries, museums and the like.
- N. Profit or nonprofit clubs and organizations, YMCAs, youth organizations, Boys' Brigade and the like.
- O. Mini storage.
- P. Garden center, plant nursery or landscape contractor.
- Q. Day care.
- R. Contractors' storage yard, provided all equipment and materials are effectively screened from view from any residential lot or public roadway.
- S. Communication towers: see Article IX of this chapter.
- T. The following uses, provided the owner or proprietor resides on the premises: automobile, farm equipment and small engine repair shops; offices and/or shops in connection with skilled tradesman including plumbers, electricians, carpenters, welders and the like; and production and/or sales of crafts produced on the premises provided mechanical or chemical processes are incidental or nonexistent.
- U. Home occupations.
- V. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-94. Dimensional requirements.

- A. Principal agricultural uses.
 - (1) Lot area: minimum five acres.

- (2) Lot width: minimum 200 feet.
 - (3) Front yard:
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (4) Rear yard: minimum 50 feet.
 - (5) Side yards: minimum 50 feet.
- B. Single-family detached dwellings.
- (1) Lot area: minimum 40,000 square feet.
 - (2) Lot width: minimum 100 feet.
 - (3) Front yard:
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (4) Rear yard: minimum 25 feet.
 - (5) Side yards: minimum 20 feet.
 - (6) Height: maximum 35 feet.
- C. Other permitted or special uses and structures.
- (1) Lot area: minimum 40,000 square feet.
 - (2) Lot width: minimum 100 feet.
 - (3) Front yard:
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (4) Rear yard: minimum 50 feet.
 - (5) Height: maximum 35 feet.
- D. Accessory structures.
- (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.

- (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) Lot coverage: see § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
- (2) For buildings 151 feet to 750 square feet in area:
- (a) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet.
 - (c) Side yards: minimum 12 feet.
 - (d) Height: maximum 20 feet.
 - (e) Lot coverage: § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-95. Permitted accessory signs.

- A. One sign, not exceeding 100 square feet in area, identifying the premises or establishment.
- B. One sign, not exceeding 25 square feet in area, advertising the sale of farm products on the premises.
- C. Temporary signs for the sale or lease of the property.
- D. For special exception uses and structures, one detached sign, in the building setback area (front yard), limited in aggregate area to three times the lineal feet of frontage; provided, however, that no detached sign shall exceed 250 square feet in area, no part of the supporting structure shall be closer than 10 feet to the right-of-way and at least 12 feet of clear space, exclusive of the supporting structure, shall be maintained underneath the sign for visibility purposes. All signs for special uses and structures must be approved by the Zoning Staff and shall not exceed the requirements of Article VII, Signs, Billboards and Canopies, of this chapter.
- E. See Article VII of this chapter for additional signage requirements.

ARTICLE XIV

R1 Single-Family Residential District**§ 320-96. Purpose.**

This district is intended to provide for single-family detached residential development. The density of development is based on the availability of public facilities and the extent of coordination and planning as indicated by whether the development is part of an approved and recorded subdivision plat.

§ 320-97. Permitted principal uses and structures.

- A. Single-family detached dwellings.
- B. Community living arrangements subject to the provisions and limitations of § 62.23(7)(i), Wis. Stats.
- C. Day care (family).

§ 320-98. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-99. Special exception uses and structures.

Setbacks to be determined by the Town Board in the special use permit process, but not less than setbacks established in zone.

- A. Convalescent homes and nursing homes.
- B. Cemeteries.
- C. Conservation subdivisions.
- D. Planned unit developments (PUD).
- E. Bed-and-breakfast establishments, provided the owner resides on the premises.
- F. Day care (group).
- G. Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided principal access shall be directly onto a collector or arterial street.
- H. Parks, playgrounds and community centers.
- I. Utilities, government and cultural uses, fire, police stations.

- J. Home occupations.
- K. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-100. Dimensional requirements.

A. Permitted principal uses and structures.

(1) Served by public sewer:

- (a) Lot area: minimum 16,000 square feet.
- (b) Lot width: minimum 80 feet.
- (c) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
- (d) Rear yard: minimum 25 feet.
- (e) Side yards: minimum 12 feet.
- (f) Lot coverage: maximum 25%.
- (g) Height: maximum 35 feet.

(2) Not served by public sewer:

- (a) Lot area: minimum 24,000 square feet. **[Amended 12-13-2004]**
- (b) Lot width: minimum 100 feet.
- (c) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
- (d) Rear yard: minimum 25 feet.
- (e) Side yards: minimum 12 feet.
- (f) Lot coverage: maximum 25%.
- (g) Height: maximum 35 feet.

(3) With storm sewer and curb and gutter: **[Amended 6-10-2002]**

- (a) Lot area: minimum 13,500 square feet.
- (b) Lot width: minimum 85 feet.
- (c) Front yard:

- [1] Town road: minimum 30 feet.
 - [2] County or state road: 55 feet.
 - (d) Rear yard: minimum 25 feet.
 - (e) Side yards: minimum 10 feet.
 - (f) Lot coverage: maximum 25%.
 - (g) Height: maximum 35 feet.
 - (4) Single-family detached dwellings in a conservation subdivision served by public water/sewer. **[Amended 12-13-2004]**
 - (a) Lot area: minimum 8,000 square feet.
 - (b) Lot width: minimum 60 feet.
 - (c) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (d) Rear yard: minimum 25 feet.
 - (e) Side yards: minimum 12 feet.
 - (f) Height: maximum 35 feet.
 - (g) Lot coverage: maximum 30%.
- B. Accessory structures.
- (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.
 - (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 Feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (2) For buildings 151 to 750 square feet in area:
 - (a) Front yard:

- [1] Town road: minimum 37 feet.
- [2] County or state road: 55 feet.
- (b) Rear yard: minimum 12 feet.
- (c) Side yards: minimum 12 feet.
- (d) Height: maximum 20 feet.
- (e) Lot coverage: See § 320-24.
- (f) No building shall be located within 12 feet of any other building.
- (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-101. Off-street parking requirements.

See Article VI of this chapter.

§ 320-102. Permitted accessory signs.

See Article VII of this chapter.

ARTICLE XV

R2 Residential Two-Family District**§ 320-103. Purpose.**

This district is intended to provide for medium-density residential development with emphasis on two-family residential uses. This district is primarily intended to apply to areas presently served by a public sewer system.

§ 320-104. Permitted principal uses and structures.

- A. Single-family detached dwellings.
- B. Community living arrangements, subject to the provisions and limitations of § 62.23(7)(i), Wis. Stats.
- C. Day care (family).
- D. Two-family dwellings.

§ 320-105. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-106. Special exception uses and structures.

Setbacks to be determined by the Town Board in the special use permit process but not less than setbacks established in zone.

- A. Convalescent homes and nursing homes.
- B. Cemeteries.
- C. Bed-and-breakfast establishments, provided the owner resides on the premises.
- D. Day care (group).
- E. Public and semipublic nonprofit institutional uses including churches, schools, libraries, museums and the like.
- F. Parks, playgrounds and community centers.
- G. Home occupations.
- H. Planned unit developments (PUD).
- I. Utilities, government and cultural uses, fire, police stations.

- J. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-107. Dimensional requirements.

A. Permitted principal uses and structures.

(1) Served by public sewer:

- (a) Lot area: minimum 16,000 square feet.
- (b) Lot width: minimum 80 feet.
- (c) Front yard:
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
- (d) Rear yard: minimum 25 feet.
- (e) Side yards: minimum 12 feet.
- (f) Lot coverage: maximum 25%.
- (g) Height: maximum 35 feet.

(2) Not served by public sewer:

- (a) Lot area: minimum 20,000 square feet.
- (b) Lot width: minimum 100 feet.
- (c) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
- (d) Rear yard: minimum 25 feet.
- (e) Side yards: minimum 12 feet.
- (f) Lot coverage: maximum 25%.
- (g) Height: maximum 35 feet.

B. Accessory structures.

(1) For buildings 150 square feet in area or smaller:

- (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
- (b) Rear yard: minimum six feet.

- (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
- (2) For buildings 151 feet to 750 square feet in area:
- (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet.
 - (c) Side yards: minimum 12 feet.
 - (d) Height: maximum 20 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-108. Off-street parking requirements.

See Article VI of this chapter.

§ 320-109. Permitted accessory signs.

See Article VII of this chapter.

§ 320-110. Landscaping requirements.

See Article VIII of this chapter.

§ 320-111. Conservation subdivision dimensional requirements.

Same as R-1.

ARTICLE XVI
R3 Multifamily Residential District

§ 320-112. Purpose.

This district is intended to provide for medium- to high-density residential area with emphasis on multifamily or apartment development. This district requires access to public sewer.

§ 320-113. Permitted principal uses and structures.

- A. Single-family detached and attached dwellings.
- B. Community living arrangements, subject to the provisions and limitations of § 62.23(7)(i), Wis. Stats.
- C. Day care (family).
- D. Two-family dwellings.
- E. Multifamily dwellings, provided the building does not exceed three stories in height.

§ 320-114. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. Temporary structures in connection with the construction of principal structures, provided such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
- C. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-115. Special exception uses and structures.

Setbacks to be determined by the Town Board in the special use permit process, but not less than setbacks established in zone:

- A. Convalescent homes and nursing homes.
- B. Cemeteries.
- C. Bed-and-breakfast establishments, provided the owner resides on the premises.
- D. Day care (group).
- E. Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided principal access shall be directly onto a collector or arterial street.

- F. Parks, playgrounds and community centers.
- G. Multifamily dwellings in buildings exceeding three stories in height.
- H. Utilities, government and cultural uses, fire, police stations.
- I. Home occupations.
- J. Planned unit developments (PUD).
- K. Public utility installations requiring a certificate of public convenience and necessity issued by the Wisconsin PSC.

§ 320-116. Dimensional requirements.

A. Multifamily dwellings.

- (1) Not exceeding three stories or 45 feet in height.
 - (a) Lot area: minimum 20,000 square feet.
 - (b) Lot width: minimum 120 feet.
 - (c) Front yard:
 - [1] Town road minimum: 37 feet.
 - [2] County or state road: 55 feet.
 - (d) Rear yard: minimum 25 feet.
 - (e) Side yards: minimum 20 feet.
 - (f) Density: maximum 10 dwelling units per net acre.
 - (g) Coverage: maximum 30%.
- (2) Exceeding three stories or 45 feet in height.
 - (a) Lot area: minimum 30,000 square feet.
 - (b) Lot width: minimum 200 feet.
 - (c) Front yard:
 - [1] Town road minimum: 37 feet.
 - [2] County or state road: 55 feet.
 - (d) Rear yard: minimum 40 feet.
 - (e) Side yards: minimum 40 feet.
 - (f) Density: maximum 10 dwelling units per net acre.
 - (g) Coverage: maximum 30%.

- (3) Not less than 30% of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under Article XXIX of this chapter is required.

B. Accessory structures.

- (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.
 - (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) Lot coverage: see § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
- (2) For buildings 151 feet to 750 square feet in area:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet
 - (c) Side yards: minimum 12 feet.
 - (d) Height: maximum 20 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-117. Off-street parking requirements.

See Article VI of this chapter.

§ 320-118. Permitted accessory signs.

See § 320-56.

§ 320-119. Landscaping requirements.

See Article VIII of this chapter.

§ 320-120. Conservation subdivision dimensional requirements.

Same as R-1.

ARTICLE XVII
NC Neighborhood Commercial District
[Added 4-12-2010]

§ 320-121. Purpose.

This district is intended to apply to small scale neighborhood oriented commercial retail and service establishments either freestanding or in a small cluster with hours of operation from 6:00 a.m. until 9:00 p.m.

§ 320-122. Permitted principal uses and structures.

- A. Individual retail outlets, not to exceed 2,500 square feet in area, for wearing apparel, art or photographic supplies, books, sundries or notions, jewelry, luggage, flowers or gifts, sporting goods and hobbies.
- B. Individual service establishments, not to exceed 2,500 square feet in area, including barbers or beauty shops, shoe repair shops, laundries or dry cleaners, photographic or dance studios, and uses of a similar nature.
- C. Business and professional offices, not to exceed 5,000 square feet in area, including banks and other financial establishments, insurance or real estate offices, travel agencies, medical or dental clinics, attorneys' offices, engineering offices, and uses of a similar nature.
- D. Aggregate outlets listed in Subsections A, B and C of this section, not to exceed 8,000 square feet in aggregate area.

§ 320-123. Permitted accessory structures.

- A. Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot, or a lot contiguous with, the principal use or structure.
- B. Public utility installations not requiring a certificate of public convenience and necessity issued by the Wisconsin PSC.

§ 320-124. Special exception uses and structures.

- A. Individual retail outlets listed in § 320-122A and service establishments listed in § 320-122B that exceed 2,500 square feet in area.
- B. Business and professional offices listed in § 320-122C that exceed 5,000 square feet in area.
- C. Dwelling units.
- D. Clubs and organizations.

- E. Aggregate outlets listed in Subsections A, B, C and D of this section exceeding 8,000 square feet in aggregate area.

§ 320-125. Dimensional requirements.

A. Dimensions.

- (1) Lot area: minimum 12,000 square feet.
- (2) Lot width: minimum 90 feet.
- (3) Front yard.
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
- (4) Rear yard: minimum 25 feet.
- (5) Side yards: minimum 20 feet.
- (6) Lot coverage: maximum 50%.
- (7) Height: maximum 35 feet unless approved by the Planning Commission.

- B. For every two feet in height above 35 feet, the width or depth of yards adjacent to exterior lot lines shall be increased one foot. A site plan under Article XXIX of this chapter is required.

- C. Any required yard adjacent to a residential district without an intervening street shall be subject to the landscaped buffer requirements of § 320-62D. For buildings 2,000 square feet or larger in area, a site plan in accordance with Article XXIX of this chapter must be submitted and approved by the Planning Commission prior to obtaining a building permit or commencing any site grading. For buildings smaller than 2,000 square feet, a site plan must be approved by the Town Administrator or his designee prior to obtaining a building permit or commencing any site grading.

ARTICLE XVIII
GC General Commercial District

§ 320-126. Purpose.

This district is intended to apply to commercial establishments. It is the intent of this district to encourage grouping of such commercial establishments.

§ 320-127. Permitted principal uses and structures.

- A. Adult establishments which are more than 500 feet (measured lot to lot line) from churches, schools, single-family residences, public parks and buildings, day-care centers, and 1,000 feet from other adult establishments. **[Amended 1-30-2006]**
- B. Retail outlets including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationery, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature.
- C. Service establishments including barber or beauty shop, shoe repair, laundry or dry cleaner, appliance repair, photographic or dance studio and uses of a similar nature.
- D. Business and professional offices including banks and other financial institutions, insurance and real estate, travel agency, medical or dental clinic, attorney's office, engineering office and uses of a similar nature.
- E. Taverns and restaurants.
- F. Hotels and motels.
- G. Public and semipublic nonprofit institutional uses including churches, schools, libraries and the like, provided principal access shall be directly onto a collector or arterial street.
- H. Indoor commercial recreational establishments, including motion-picture theaters, billiard parlors, arcades, bowling alleys, rinks, and uses of a similar nature.
- I. Convalescent homes and nursing homes and day care (family or group).
- J. Office equipment and supplies.
- K. Garden center, plant nursery or landscape contractor.
- L. Veterinary offices.
- M. Mortuaries.
- N. Equipment rental.

- O. Mini warehouses.
- P. Car washes.
- Q. No retail establishment shall exceed 25,000 square feet in area.
[Amended 7-13-2009]

§ 320-128. Permitted accessory uses and structures.

- A. Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.
- B. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-129. Special exception uses and structures. [Amended 7-13-2009; 4-10-2017 by Ord. No. 3-17; 1-8-2018 by Ord. No. 11-17; 1-8-2018 by Ord. No. 12-17]

Setbacks to be determined by the Town Board in the special use permit process but not less than setbacks established in zone.

- A. Motor-vehicle filling stations.
 - (1) Proximity to single-family residential uses. Fueling pumps must be more than 250 feet from the lot line of any parcel zoned RSF — Single-Family Residential.
 - (2) Direct access to arterial streets required. All motor vehicle filling stations shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
 - (3) Fuel pump location. Any fuel pump, underground fuel storage tanks and islands shall be at least 50 feet from any street or abutting lot line and meet all other State of Wisconsin regulations.
 - (4) Canopies. The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure. In addition:
 - (a) Obstruction of visibility at rights-of-way prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.
 - (b) Zoning district dimensional requirements shall be met. All pump islands, their surrounding structures and the canopy overhang shall meet the underlying zoning district's dimensional requirements.

- (c) Maximum height. Under no circumstances shall the canopy be higher than 25 feet.
 - (d) Signs not permitted. No signs shall be permitted on canopy roofs.
- (5) Lighting. The off-street parking and fueling area may be illuminated. Total cutoff of light shall be at an angle of less than 90° and shall be located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts.
- (6) Hours of operation. Hours of operation shall be established by the Planning Commission.
- (7) Outdoor display.
 - (a) Products shall be sold by the principal business, or agricultural products sold by the producer.
 - (b) All private sidewalks serving the site shall keep a minimum of 36 inches clear of all obstructions or display items.
- B. Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.
- C. Wholesale and warehouse establishments.
- D. Printing and publishing establishments.
- E. Outdoor recreational establishments, including archery ranges, miniature golf and amusements.
- F. Light manufacturing uses and structures such as packaging, bottling, storage facilities and laboratories, provided all activities are conducted within a completely enclosed building not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises.
- G. Radio stations: transmitter tower.
- H. Dog kennel.
- I. Building trades contractor with storage yard for material and equipment on premises, provided all materials and equipment are effectively screened from view from any residential lot or public highway.
- J. Agricultural-related uses and structures, such as feedmills and co-ops.
- K. Woodworking and cabinetry.²¹
- L. Containerized recycling drop-off sites.

- M. Utilities, government and cultural uses, fire, police stations.
- N. Home occupations.
- O. Planned unit developments (PUD).
- P. Communication towers: see Article IX of this chapter.
- Q. Dwelling units.
- R. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.
- S. All single establishments above 25,000 square feet are subject to the following conditions: architectural materials and design, signage, traffic impact analysis, landscaping, parking, site design and pedestrian flow, lighting or any other conditions established by the Town Board of Planning Commission.

§ 320-130. Dimensional requirements.

- A. Requirements.
 - (1) Lot area: minimum 16,000 square feet.
 - (2) Lot width: minimum 90 feet.
 - (3) Front yard.
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (4) Rear yard: minimum 25 feet.
 - (5) Side yards: minimum 20 feet.
 - (6) Lot coverage: maximum 50%.
 - (7) Height: maximum 50 feet unless approved by the Planning Commission.
- B. For every two feet in height above 50 feet or four stories, the width or depth of yards adjacent to exterior lot lines shall be increased one foot. A site plan under Article XXIX of this chapter is required.
- C. Any required yard adjacent to a residential district without an intervening street shall be subject to the landscaped buffer requirements of § 320-62D. For buildings 2,000 square feet or larger in area, a site plan in accordance with Article XXIX of this chapter must be submitted and approved by the Planning Commission prior

21. Editor's Note: Former Subsection L, Billboards, was repealed 1-8-2018 by Ord. No. 11-17. This ordinance also provided for the redesignation of Subsections M through T as Subsections L through S, respectively.

to obtaining a building permit or commencing any site grading. For buildings smaller than 2,000 square feet, a site plan must be approved by the Building Inspector prior to obtaining a building permit or commencing any site grading.

D. Accessory structures.

- (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.
 - (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
- (2) For buildings 151 feet to 750 square feet in area:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet.
 - (c) Side yards: minimum 12 feet.
 - (d) Height: maximum 20 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-131. Off-street parking requirements.

See Article VI of this chapter.

§ 320-132. Permitted accessory signs.

See Article VII of this chapter.

§ 320-133. Landscaping requirements.

See Article VIII of this chapter.

ARTICLE XIX
CP Planned Commercial District

§ 320-134. Purpose.

This district is intended to apply to large-scale commercial developments with either single or multiple buildings on a single lot or parcel designed and managed as a single entity. This district should be located such that there is direct access to major arterial streets and highways.

§ 320-135. Permitted principal uses and structures.

- A. Business and professional offices.
- B. Art gallery, museum, library, community center, publicly owned and operated recreational facilities.
- C. Hotels and restaurants.
- D. Clubs and organizations.
- E. Retail shopping centers, provided all sales and storage are conducted within a completely enclosed building.
- F. Hospitals, health centers, nursing homes and convalescent homes.
- G. Vocational, trade or business schools.
- H. Publicly owned auditoriums or convention centers.

§ 320-136. Permitted accessory uses and structures.

- A. Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures.
- B. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-137. Special exception uses and structures.

Setbacks to be determined by the Town Board in the special use permit process, but not less than setbacks established in zone.

- A. Privately owned auditoriums or convention centers.
- B. Privately owned sporting and recreational facilities.
- C. Planned unit developments (PUD).
- D. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-138. Dimensional requirements.

A. All permissible principal uses and structures.

(1) Requirements.

(a) Lot area: minimum two acres.

(b) Lot width: minimum 200 feet.

(c) Front yard.

[1] Town road: minimum 37 feet.

[2] County or state road: 55 feet.

(d) Rear yard: minimum 25 feet.

(e) Side yards: minimum 20 feet.

(f) Lot coverage: maximum 50%.

(g) Height: maximum 50 feet, unless approved by the Planning Commission.

(2) This district contemplates more than one principal building on a lot. There are no minimum lot area requirements per building. However, no building shall be located within 30 feet in a side yard or 30 feet in a rear yard of another building. For every two feet in height above 50 feet or four stories, the width or depth of yards adjacent to exterior lot lines shall be increased one foot. A site plan under Article XXIX of this chapter is required.

B. Accessory structures.

(1) For buildings 150 square feet in area or smaller:

(a) Front yard.

[1] Town road: minimum 37 feet.

[2] County or state road: 55 feet.

(b) Rear yard: minimum six feet.

(c) Side yards: minimum six feet.

(d) Height: maximum 15 feet.

(e) Lot coverage: See § 320-24.

(f) No building shall be located within 12 feet of any other building.

(2) For buildings 151 feet to 750 square feet in area:

(a) Front yard.

[1] Town road: minimum 37 feet.

[2] County or state road: 55 feet.

- (b) Rear yard: minimum 12 feet.
- (c) Side yards: minimum 12 feet.
- (d) Height: maximum 20 feet.
- (e) Lot coverage: See § 320-24.
- (f) No building shall be located within 12 feet of any other building.
- (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-139. Off-street parking requirements.

See Article VI of this chapter.

§ 320-140. Permitted accessory signs.

See Article VII of this chapter.

§ 320-141. Landscaping requirements.

See Article VIII of this chapter.

ARTICLE XX
BP Business Park District

§ 320-142. Purpose.

This district is intended for a mix of office, commercial and light industrial uses in a business park setting that is developed under a unified plan. It is further the intent of this district that resulting commercial traffic shall not be channeled through residential areas, and that reasonable restrictions will be implemented to protect neighboring residential properties.

§ 320-143. Permitted principal uses and structures.

- A. Business and professional offices, including banks and other financial institutions, insurance and real estate, travel agency, medical or dental clinic, attorney's office, engineering office and uses of a similar nature.
- B. Industrial equipment and supply establishments and uses of a similar nature, provided that not more than 50% of the lot shall be used for outdoor storage.
- C. Service contractors, such as plumbing and electrical, provided that not more than 50% of the lot shall be used for outside storage.
- D. Building equipment and supply establishments, provided that not more than 50% of the lot shall be used for outside storage.
- E. Sales, service and repair of automobiles, boats, motorcycles, construction equipment and farm implements.
- F. Printing and publishing establishments.
- G. Transportation terminals and warehouse establishments not to exceed 40,000 square feet in area. The 40,000 square feet limitation shall not apply to properties located within 1,000 feet of a state trunk highway.
- H. Service establishments catering to commercial and industrial uses including business machine services, linen supply (covered in Subsection G of this section), communication services, canteen services, barber or beauty shop, shoe repair, laundry or dry cleaning outlets, appliance repair, photographic or dance studio and uses of a similar nature.
- I. Laboratories and cleaning and testing establishments, provided such uses are conducted within a completely enclosed building and no smoke, odor, noise or other noxious effects are detectable to normal senses beyond the lot lines.
- J. Packaging and bottling establishments, provided such uses are conducted within a completely enclosed building and no smoke odor, noise or other noxious effects are detectable to normal senses beyond the lot lines.

- K. Public utility installations not requiring a certificate of public convenience and necessity issued by the Wisconsin PSC.
- L. Manufacturing uses including production and processing of materials and goods (except refining, smelting, sawmills, canneries and food processing, fertilizer, chemical, acid, glue, cement, lime or gypsum, wrecking yards or slaughterhouses), provided all production and processing are conducted within a completely enclosed building not to exceed 40,000 square feet in area and no smoke, odor, noise or other noxious effects are detectable to normal senses beyond the lot lines. No uses that primarily handle, store or ship waste materials are permitted. The forty-thousand-square-foot limitation shall not apply to properties located within 1,000 feet of a state trunk highway.
- M. Trucking and excavating establishments, provided that not more than 50% of the lot shall be used for outside storage; raw materials are not stored on site; and the property is located not less than 1,000 feet from a planned residential district (as described in the adopted Greenville Comprehensive Plan) or existing residential cluster of three or more homes. The one-thousand-foot restriction shall not apply to properties located within 1,000 feet of a state trunk highway.
- N. Retail outlets, including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationery, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature.
- O. Taverns and restaurants.
- P. Office equipment and supplies.
- Q. Garden center, plant nursery or landscape contractor.
- R. Veterinary offices.
- S. Mortuaries.
- T. Equipment rental.
- U. Mini-warehouses.
- V. Car washes.

§ 320-144. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. Outside storage of materials and products, provided such storage shall be behind the front building face line, 20 feet from the side lot line and 25 feet from the rear lot line and shall meet the Town's landscaping requirements. No outside storage areas shall be located within 1,000

feet of a planned residential district (as described by the adopted Greenville Comprehensive Plan) or existing residential clusters of three or more homes, or within 100 feet of a commercially zoned district, unless approved by the Planning Commission during site plan review. For properties located within 1,000 feet of a state trunk highway, outside storage areas shall be allowed within 600 feet of a planned residential district (as described by the adopted Greenville Comprehensive Plan) unless approved by the Planning Commission during site plan review.

- C. Trash collection areas screened as per Town ordinances.
- D. Rail service is prohibited.

§ 320-145. Special exception uses and structures.

- A. Communication towers, not to be located less than 1,000 feet from a planned residential district (as described by the adopted Greenville Comprehensive Plan) or existing residential clusters of three or more homes.
- B. Outdoor recreational establishments such as archery ranges, miniature golf, amusements and other similar uses.

§ 320-146. Dimensional requirements for commercial establishments.

- A. Lot area: Minimum 16,000 square feet.
- B. Lot width: Minimum 90 feet.
- C. Front yard.
 - (1) Town road: minimum 37 feet.
 - (2) County or state road: 55 feet.
- D. Rear yard: minimum 25 feet.
- E. Side yards: 25 feet aggregate, 10 feet minimum per side.
- F. Lot coverage: maximum 50%.
- G. Height: maximum 36 feet.

§ 320-147. Dimensional requirements; industrial establishments.

- A. Lot area: minimum 30,000 square feet.
- B. Lot width: minimum 150 feet.
- C. Front yard.
 - (1) Town road: minimum 37 feet.

- (2) County or state road: 55 feet.
- D. Rear yard: minimum 40 feet.
 - E. Side yard: 25 feet aggregate, 10 feet minimum per side.
 - F. Lot coverage: maximum 50%.
 - G. Height: maximum 36 feet.
 - H. Building separation: minimum separation of 16 feet between all buildings. All accessory structures shall meet the minimum yard requirements.
 - I. Building fronts: The fronts of all principal buildings shall be faced with decorative masonry, glass, wood, steel or other materials of suitable aesthetic, safety and durability value.
 - J. Site plans: reviewed as per Town ordinances.

§ 320-148. Shipping and receiving docks.

Within 1,000 feet of a planned residential district (as described by the adopted Greenville Comprehensive Plan) or existing residential cluster of three or more homes, shipping and receiving docks shall be located on the farthest side of the building from the residential district to reduce noise and visual nuisance. This restriction shall not apply to properties located within 1,000 feet of a state trunk highway.

§ 320-149. Hours of operation.²²

Establishments located within 1,000 feet of a planned residential district (as described by the adopted Greenville Comprehensive Plan) or existing residential cluster of three or more homes shall produce no noise detectable to normal senses beyond the lot lines as a result of any permitted principal or accessory use, including shipping and receiving dock operation) between the hours of 6:30 p.m. and 6:30 a.m. This restriction will not apply to retail, restaurant, amusement or businesses of a similar nature, nor properties located within 1,000 feet of a state trunk highway.

§ 320-150. External lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Business Park District boundaries.

§ 320-151. Off-street parking requirements.

See Article VI of this chapter.

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-152. Permitted accessory signs.

See Article VII of this chapter.

§ 320-153. Landscaping requirements.

See Article VIII of this chapter.

ARTICLE XXI
IND Industrial District

§ 320-154. Purpose.

This district is intended primarily for manufacturing and closely related uses. It is intended to preserve such lands for the functions of industrial activity, wholesaling, warehousing and distribution. To allow maximum latitude for operations, performance standards are applied at district boundaries. It is further the intent of this district that it be so located in relation to major thoroughfares that resulting traffic generated by industrial activity will not be channeled through residential area.

§ 320-155. Permitted principal uses and structures.

- A. Wholesaling, warehouse, storage or distribution establishments (except bulk storage of flammable liquids) and uses of a similar nature.
- B. Printing and publishing.
- C. Agricultural-related uses, including feedmills and co-ops.
- D. Service establishments catering to commercial and industrial uses including business machine services, linen supply, freight movers, communication services, canteen services and uses of a similar nature.
- E. Light manufacturing uses including bottling, packaging, laboratories and uses of a similar nature.
- F. Manufacturing uses including production, processing, cleaning, testing and the distribution of materials and goods except wrecking yards, fertilizer and chemical manufacturing and canneries or slaughterhouses.
- G. Building contractor with storage yard.
- H. Transportation terminals.

§ 320-156. Permitted accessory uses and structures.

- A. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- B. Outside storage of materials and products, provided such storage shall be behind the front building face line, 20 feet from the side lot line and 25 feet from the rear lot line and shall be surrounded by a fence 75% or more opaque and not more than 10 feet in height or a screening approved by the Town preventing a view from any other property or public right-of-way and shall be at least 200 feet from residential and 100 feet from commercial districts unless otherwise approved by the Planning Commission.

- C. Temporary storage of waste materials and trash, provided such material/trash shall be enclosed by a fence of solid material not less than six feet in height.
- D. Public utility installations not requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-157. Special exception uses and structures.

All special exception uses are subject to the landscape buffer requirements. Setbacks to be determined by Town Board in special use permit process, but not less than setbacks established in zone.

- A. Bulk storage of flammable liquids.
- B. Fertilizer and chemical manufacture.
- C. Canneries and slaughterhouses.
- D. Automobile wrecking or salvage yards and junkyards, provided such use shall not be located closer than 200 feet to any property zoned residential, and no portion of the lot within 25 feet of a public street or highway shall be used for any purpose other than off-street parking for employees or patrons.
- E. Sanitary landfills and energy recovery systems.
- F. Communication towers: see Article IX of this chapter.
- G. Automobile, boat, construction and farm implement sales, service and repair.
- H. Planned unit developments (PUD).
- I. Public utility installations requiring a certificate of public convenience and necessity issued by Wisconsin PSC.

§ 320-158. Dimensional requirements.

- A. Dimensions.
 - (1) Lot area: Minimum 16,000 square feet.
 - (2) Lot width: Minimum 100 feet.
 - (3) Front yard.
 - (a) Town road: minimum 37 feet.
 - (b) County or state road: 55 feet.
 - (4) Rear yard: minimum 25 feet.
 - (5) Side yards: minimum 20 feet.

- (a) Provided there are no rear or side yard requirements when a railroad right-of-way abuts at the side or the rear of the property line affected. Any required side or rear yard adjacent to a residential district boundary shall be subject to a landscape buffer.
 - (6) Lot coverage: maximum 50%.
 - (7) Height: maximum 50 feet unless approved by the Planning Commission.
 - (8) For every two feet in height above 50 feet or four stories, the width or depth of yards adjacent to exterior lot lines shall be increased one foot. A site plan under Article XXIX of this chapter is required.
 - (9) For buildings 2,000 square feet or larger in area, a site plan in accordance with Article XXIX of this chapter must be submitted and approved by the Planning Commission prior to obtaining a building permit or commencing any site grading. For buildings smaller than 2,000 square feet, a site plan must be approved by the Building Inspector prior to obtaining a building permit or commencing any site grading.
- B. Accessory structures.
- (1) For buildings 150 square feet in area or smaller:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum six feet.
 - (c) Side yards: minimum six feet.
 - (d) Height: maximum 15 feet.
 - (e) Lot coverage: See § 320-24.
 - (f) No building shall be located within 12 feet of any other building.
 - (2) For buildings 151 feet to 750 square feet in area:
 - (a) Front yard.
 - [1] Town road: minimum 37 feet.
 - [2] County or state road: 55 feet.
 - (b) Rear yard: minimum 12 feet.
 - (c) Side yards: minimum 12 feet.

- (d) Height: maximum 20 feet.
- (e) Lot coverage: see § 320-24.
- (f) No building shall be located within 12 feet of any other building.
- (g) Accessory buildings larger than 750 square feet shall meet all requirements of other principal uses and structures.

§ 320-159. Performance standards; industrial developments.

It is the intent to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

A. Noise.

- (1) No activity in an Industrial District shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency	Sound Level
(cycles per second)	(decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Above 4,800	39

- (2) No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency	Sound Level
(cycles per second)	(decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40

Octave Band Frequency (cycles per second)	Sound Level (decibels)
2,400 to 4,800	34
Above 4,800	32

(3) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

B. Vibration.

(1) No operation or activity shall transmit any physical vibration perception threshold of an individual at or beyond the property line of the source. "Vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(2) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

C. External lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries.

D. Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in § NR 429.03, Wis. Admin. Code.

E. Particulate emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Ch. NR 415, Wis. Admin. Code.

F. Visible emissions. No operation of activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431, Wis. Admin. Code.

G. Hazardous pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 445, Wisconsin Administrative Code.

§ 320-160. Administrations.

Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person

using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this chapter that the methods to be used in determining compliance shall be the responsibility of the Building Inspector and Administrator subject to the following procedures:

- A. Approval of building permits. Prior to approving a zoning permit for any industrial use or any change thereof, the Building Inspector and Administrator shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, vibration and exterior lighting standards of this chapter.
- B. Violation of standards. Whenever the Building Inspector or Administrator have reason to believe the air quality, vibration and exterior lighting standards of this chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notices shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause lawful action to be taken to cause correction as provided in this chapter or referral of the alleged violation to the Wisconsin Department of Natural Resources.

§ 320-161. Off-street parking requirements.

See Article VI of this chapter.

§ 320-162. Permitted accessory signs.

See Article VII of this chapter.

§ 320-163. Landscaping requirements.

See Article VIII of this chapter.

ARTICLE XXII
Airport District

§ 320-164. Purpose.

The purpose of this district is to recognize that the Outagamie County Regional Airport is a unique land use and must adhere to the recommendations of the airport master plan. The Airport District includes all uses within county land owned for airport purposes.

§ 320-165. Permitted principal uses and structures.

Any uses and structures that are directly related and necessary for the function and operation of the County Airport.

- A. Air terminals.
- B. Aircraft hangers.
- C. Aircraft runways, taxiways, aprons and related lighting and air support apparatus.
- D. Airport administration buildings.
- E. Airport maintenance buildings.
- F. Aircraft repair and maintenance buildings and facilities.
- G. Fuel storage and pumps.
- H. Parking lots and driveways.
- I. Commercial and industrial uses directly related to the airport operations.
- J. Agricultural crops, which are harvested annually, grazing and farm fences.
- K. Public gatherings in conjunction with an airport related activity when first approved by the County Airport Committee.

§ 320-166. Prohibited uses and structures.

To protect the airport from incompatible uses and activities, as well as to prevent the negative impact on land uses and the operations of the airport, the following are specifically prohibited in this district.

- A. Residential.
- B. Hospitals, schools and churches.
- C. Theaters, amphitheaters, stadiums, trailer courts and campgrounds.
- D. Places of public or semipublic assembly.

- E. Any other structure or use that may be susceptible to being adversely affected by loud and extensive noise or which may interfere with the use and operation of the County Airport.

§ 320-167. Dimensional requirements.

- A. Height regulations. No structure, fence, wall, hedge, planting, or object shall exceed the height permitted by the Outagamie County Airport Zoning Ordinance regulations for the district in which the property is located.
- B. Setback and parking regulations. The placement of structures shall adhere to the Federal Aviation Administration design guidelines, provided no building may be closer than 30 feet to another. Parking shall be provided as set forth in Article VI of this chapter. Private airplane hangers may be allowed to be closer than 30 feet with State of Wisconsin approval, but no closer than 10 feet. **[Amended 12-8-2003]**
- C. Minimum area. No minimum land area shall be required for the publicly owned lands.
- D. Stormwater detention. Stormwater detention shall be as required in Chapter 255, Stormwater Management.²³
- E. Building permits. No building or structure shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the Building Inspector in conformance with Article XXVIII of this chapter.
- F. A site plan review in accordance with Article XXIX of this chapter shall be required for any new building or addition to a building that creates a structure.

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XXIII
Gateway Overlay District
[Added 5-12-2008]

§ 320-168. Purpose.

It is the intent of this district to establish a series of gateway corridors with special architectural and landscaping requirements to enhance the visual and aesthetic character along the following corridors: Highway 15; CTH CB north of Highway 15; Highway 76 from Highway 15 to Highway 96.

§ 320-169. Applicable parcels. [Amended 5-9-2011²⁴]

This overlay district is intended to apply to parcels abutting the rights-of-way of major highways and/or the frontage roads along Highway 15; CTH CB north of Highway 15; and Highway 76 from Highway 15 to Highway 96 including that portion of any parcel lying within 500 feet beyond the rights-of-way of the above named major highways and/or the frontage roads.

§ 320-170. Permitted principal uses and structures.

See underlying district. Homes within agricultural zoning districts under Articles XII and XIII of this chapter and residential zoning districts under Articles XIV and XV of this chapter are exempt so long as the structures use remains as a permitted principal use within said district sections.

§ 320-171. Permitted accessory uses and structures.

See underlying district. New structures within agricultural zoning districts under Articles XII and XIII of this chapter and residential zoning districts under Articles XIV and XV of this chapter are exempt so long as the structure's use remains as a permitted accessory use within said districts sections.

§ 320-172. Special exception uses and structures.

Only those special exception and structures in the underlying zoning district that are clearly compatible with the purpose and intent of the Gateway District. A site plan under Article XXIX of this chapter is required.

§ 320-173. Dimensional requirements.

See underlying zoning district.

§ 320-174. Off-street parking requirements.

See Article VI of this chapter.

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-175. Permitted accessory signs.

See Article VII of this chapter along with restrictions listed below.

A. Monument signs.

- (1) Only monument-type ground signs are allowed in the Gateway Overlay District.
- (2) No monument type sign shall exceed 12 feet in height, 15 feet in length and three feet in width.
- (3) Sign structures shall be of comparable design and building materials as the main building structure.
- (4) Area of sign, area of copy, Town Board approved changeable-message sign, or any combination thereof shall not exceed a total of 100 square feet on one side nor 200 square feet on all sides for any one premises.
- (5) Integrated shopping center signs. Area of sign, area of copy, Town Board approved changeable-message sign, or any combination thereof shall not exceed a total of 150 square feet on one side nor 300 square feet on all sides for any one premises.

B. Wall signs.

- (1) Each business or office shall be eligible for attached signage and shall not exceed, in square feet, 1.5 times the linear front footage of the business or office for unlit signs, and 1.0 the linear front footage when lit. **[Amended 9-14-2015]**

C. No roof signs will be allowed.**§ 320-176. Landscaping requirements.**

See Article VIII of this chapter.

§ 320-177. Architectural design and materials.

- A. Architectural design plan submittals. An architectural design plan (to scale) must be submitted. It shall include all building elevations with dimensions, entrances, architectural features and building materials and colors.
- B. General. Building design shall complement the building site and be compatible with existing or permissible adjacent or surrounding buildings and development. Building design shall be compatible with existing and proposed adjacent routes of circulation for vehicles and pedestrians.
- C. Building materials. Any exterior building wall facing a street and/or highway stated within the Overlay District shall be constructed of one or a combination of the following materials:

- (1) Clay or masonry brick.
- (2) Customized concrete masonry with striated, scored or broken-faced brick-type units (sealed) with color consistent with design theme.
- (3) Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating.
- (4) Poured in place, tilt-up or precast concrete.
- (5) Natural stone.
- (6) At a minimum, industrial buildings shall be constructed having the lower 1/3 of the structure being of architectural masonry, architectural composite aluminum or steel panels, glass, or a combination of these materials on any side of the building facing a street and/or highway stated within the Overlay District. EFIS shall not be allowed on the bottom three feet of a building or more than 25% of a building elevation.
- (7) All roof drains of a structure must be integral to the design and non-apparent.
- (8) In the design of buildings or clusters of buildings, developers should orient projects so that the side(s) facing a street and/or highway stated within the Overlay District shall form the front of the project. Where buildings facing a street and/or highway stated within the Overlay District are not feasible due to the location of access roads and other site constraints, the project should be oriented and designed in such a manner to convey the intent of this chapter.
- (9) Where additions are proposed for buildings constructed prior to the effective date of this chapter and such buildings do not comply with the standards in this section, such additions may need not comply with the standards in this section as long as the addition(s) are not in excess of 50% of the existing floor area of the existing building. Any addition(s) in excess of 50% of the existing floor area of the existing building constructed prior to the effective date of this chapter shall comply with the standards in this section.
- (10) Exceptions to the building architecture standards set forth in this section may be granted by the Town Board for structures of comparable design and building materials.

D. Accessory structures. Also see underlying district.

- (1) Accessory structures shall be of comparable design and building materials as the principal structure.
- (2) For dumpsters see Article VIII, Landscaping Requirements, of this chapter.

- E. Walls. No building shall have long expanses of uniform and flat walls. Reasonable articulation of building facades shall be provided by using offsets, recesses and/or projections, changes in plane, changes in height, widows, awnings, arcades and/or colonnades. Use of awnings shall be limited to above windows and entrances unless approved by the Planning Commission and the Town Board. Awnings shall be attached to a vertical wall.
- F. Roofs. No buildings shall have long expanses of uniform roof planes. Reasonable articulation of roof lines shall be provided by using a pitched roof, a partial roof, or parapet walls of varying heights, dormers, overhangs, arches, stepped roofs, gables, or other similar devices. All flat roofs shall be screened with parapets on all sides of the building. If no rooftop equipment exists, the parapet shall be a minimum of 18 inches high. All parapets shall feature cornice treatments and shall provide a cap to demonstrate that the upper edge is the top of the building.
- G. Roof equipment. The placement of rooftop mechanical equipment is encouraged. If roof-mounted mechanical equipment is necessary, it shall be screened from view from adjacent streets and highways. Acceptable screening shall be accomplished by raising the parapet on all sides of the buildings to be as high as the equipment, or a secondary roof screening system that encloses groups of units. Screens shall be aesthetically incorporated into the design of the building and have materials that are compatible with the building. In no case shall wooden or vinyl fences, or chain-link fencing with slats be used as rooftop equipment screens.
- H. Ground equipment. Ground-mounted mechanical equipment shall be screened from view with wing walls consisting of comparable design and building materials as the main building structure, landscaping, or a combination of both, at the discretion of the Planning Commission and Town Board.
- I. Shipping and receiving docks. Shipping and receiving docks shall be located and/or screened in such a manner that the docks are not visible to passing motorist along a street and/or highway stated within the Overlay District.
- J. Entrances. Entrances shall be designed with one or more of the following: canopy, overhang or arch above the entrance; recess or projection in the building facade surrounding the entrances; or peaked roof or raised parapet structure over the door.
- K. Approval. Each architectural design plan shall be approved by the Planning Commission. Each approved architectural design shall bear the signature of the Town Administrator along with the date of approval. Each approved architectural design plan shall be kept on file with the Town of Greenville. Any conditions of approval shall be met at the time of issuance of a building permit.

- L. Compliance. Failure to comply with an approved architectural plan shall be deemed an ordinance violation.
- M. Off-street loading area and dumpster screening. No off-street loading areas may be located on the sides of buildings fronting a street and/or highway stated within the Overlay District.
- N. On-site utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.

§ 320-178. Frontage road access.

- A. Public street intersections. Spacing: minimum 300 feet.
- B. Private drives and driveways.
 - (1) Distance from intersections. Minimum 100 feet.
 - (2) Frequency. Two per commercial unit if the frontage is greater than 600 feet. Consolidate access whenever properties are assembled for a single purpose.
 - (3) Spacing. Minimum one-hundred-fifty foot spacing between driveways.

§ 320-179. Outdoor storage.

No outdoor storage shall be permitted unless such storage is visually screened from view to passing motorist along the streets and/or highways stated within the Overlay District by the use of landscaping and/or a suitable solid fence constructed of masonry or wood at least six feet in height or a combination thereof. Screening shall be well maintained. The Planning Commission shall make recommendations to the Town Board as to the type of screening to be used. Type of screening shall be approved by the Town Board.

ARTICLE XXIV
Heritage Overlay District
[Added 5-12-2008]

§ 320-180. Purpose.

This overlay district is intended to apply to parcels abutting STH 76 lying between Highway 15 at the south and Everglade Road at the north. This area encompasses a mix of residential and small-scale commercial uses in the oldest developed portion of the Town, including several buildings of historic interest. It is the intent of this district to maintain the character and streetscape of this unique area.

§ 320-181. Permitted principal uses and structures.

All permitted principal uses and structures in the underlying district except warehouses of any kind; provided, however, that any nonresidential use with a principal structure exceeding 5,000 square feet in area shall be deemed a special exception use. A site plan under Article XXIX of this chapter is required.

§ 320-182. Permitted accessory uses and structures.

All permitted accessory uses and structures in the underlying district; provided, however, that no accessory use except limited patron parking shall be conducted and no accessory structure shall be erected or constructed between the principal structure and STH 76 or within view of ordinary travel along STH 76 (Accessory use shall include loading and garbage and trash storage.) All chain-link fencing shall be prohibited.

§ 320-183. Special exception uses and structures.

Only those special exception uses and structures in the underlying zoning district that are clearly compatible with the purpose and intent of the Heritage District. A site plan under Article XXIX of this chapter is required.

§ 320-184. Dimensional requirements.

See the underlying zoning district.

§ 320-185. Off-street parking requirements.

See Article VI of this chapter; provided, however, that to the maximum extent practicable, all or most off-street parking shall be provided in the rear yard. Shared parking among establishments is permissible under written leases of five years or greater. Front-yard setbacks of 30 feet may be allowed when off-street parking is provided in the rear yard.

§ 320-186. Permitted accessory signs.

See Article VII of this chapter; provided, however, that all roof and ground signs shall be prohibited. All advertising signs shall be attached to the principal building and be no larger than two times, in square feet, lineal front footage of the business or office.

§ 320-187. Landscaping requirements.

See Article VIII of this chapter.

§ 320-188. Architectural design and materials.

- A. Architectural design plan submittals. An architectural design plan (to scale) must be submitted. It shall include all building elevations with dimensions, entrances, architectural features and building materials and colors.
- B. General. Buildings shall emphasize traditional design themes (Colonial, Victorian, Craftsman, and the like). Where practicable, porches and porticoes shall be provided. All building design shall be compatible with existing and proposed adjacent routes of circulation for vehicles and pedestrians.
- C. Walls. No building shall have long expanses of uniform and flat walls. Reasonable articulation of building facades shall be provided by using offsets, recesses and/or projections, changes in plane, changes in height, windows, awnings, arcades and/or colonnades. Use of awnings shall be limited to above windows and entrances. Awnings shall be attached to a vertical wall. All sides of a building that are open to public view from any street or highway shall receive equal architectural design consideration.
- D. Roofs. Buildings shall have a pitched roof with a pitch not less than 8:12. No building shall have long expanses of uniform roof planes. Reasonable articulation of roof lines shall be provided by using dormers, overhangs, arches, stepped roofs, gables, or other similar devices. Roof materials shall consist of architectural shingles or a metal roof.
- E. Ornamental lighting. The location and design of all exterior lighting shall be compatible with the streetscape lighting.
- F. Ground equipment. Ground-mounted mechanical equipment shall be screened from view with wing walls, landscaping or a combination of both.
- G. Entrances. Entrances shall be designed with one or more of the following: porch, overhang above entrance, recess or projection in the building facade surrounding the entrance, peaked roof or raised parapet structure over the door.

- H. Building materials. Primary building materials shall consist of clay or masonry brick, stone, dimensional siding, or other traditional materials approved by the Planning Commission.
- I. Innovative materials and design. The Planning Commission may approve other durable, high-quality building materials or alternative building designs to facilitate the use of recycled materials, alternative energy systems, and other environmentally friendly "green" construction and design.
- J. Approval. Each architectural design plan shall be approved by the Planning Commission. Each approved architectural design plan shall be on file with the Town of Greenville. Any conditions of approval shall be met at the time of issuance of a building permit.
- K. Compliance. Failure to comply with an approved architectural plan shall be deemed an ordinance violation.

ARTICLE XXV

MH Mobile/Manufactured Home Park District**§ 320-189. Parking outside licensed mobile/manufactured home parks.**

- A. Restricted. No mobile/manufactured home shall be permitted to be located, parked, or occupied in the Town unless the same is in a licensed mobile/manufactured home park, except those mobile/manufactured homes occupied outside of a mobile/manufactured home park on the effective date of this chapter.
- B. Exceptions.
- (1) Subsection A above is not intended to restrict the location of one- and two-family manufactured homes which meet the applicable one- and two-family standards set forth in Chapter 101, Wis. Stats., and the requirements of this chapter.
 - (2) Notwithstanding other provisions of this subsection, the Town Board may, upon application, issue a special permit for the location of a mobile/manufactured home outside a mobile/manufactured home park for temporary use solely as a field office, and such permit shall specifically state the expiration date thereof which shall not exceed 12 months.

§ 320-190. Park license required.²⁵

No person shall establish or operate upon property owned or controlled by him within the Town a mobile/manufactured home park without having first secured a license therefor from the Town Board. The application for such a license shall be made to the Town Clerk/Treasurer and shall be accompanied by a fee as set by the Town Board for each space in the existing or proposed park. Such park shall comply with Chapter SPS 326, Wis. Adm. Code, which is hereby adopted by reference.

§ 320-191. Review of application.

Before approval of any site, a public hearing shall be held and the Planning Commission shall view the proposed site and shall consider such evidence as may be presented at the hearing bearing upon the general purpose and intent of this article to promote the public health, safety and general welfare and the specific purpose of the chapter to prevent the overcrowding of land and the development of housing blight.

- A. Applications shall be made on forms furnished by the Town Administrator and shall include the following information:
- (1) Name and address of applicant.

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this chapter.
 - (4) Preliminary engineering plans and specifications, including a scale drawing of the proposed park, showing, but not limited to:
 - (a) Plans and specifications of all utilities, including sewerage collection and disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - (b) Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - (c) The location of mobile/manufactured home stands with the mobile/manufactured home spaces, including a detailed sketch of at least one typical mobile/manufactured home space and stand therein.
 - (d) Landscape plan showing all plantings.
 - (e) Plans and specifications of all park buildings and structures.
 - (5) Interest of applicant in proposed mobile/manufactured home park or extension thereof. If owner of tract is a person other than applicant, a verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make application therefor.
- B. Final engineering plans and specifications complying with the provisions of the zoning regulations and any modifications or conditions imposed by the Town of Greenville Town Board shall be submitted to the Town Administrator and checked for compliance before the district is approved.
- C. The procedure for creation of an MH District shall be as prescribed herein.

§ 320-192. Additions to park.

Licenses of mobile/manufactured home parks shall furnish information to the Town Clerk/Treasurer on such homes added to the park within five days after arrival on forms furnished by the Town Clerk/Treasurer.

§ 320-193. Parking permit fees.

There is imposed on each mobile home located in the Town a parking permit fee, such amount to be determined in accordance with § 66.0435, Wis. Stats. The fee shall be paid to the Town Clerk/Treasurer on or before the 10th day of the month following the month for which they are due. It shall be

the full and complete responsibility of a licensee of a mobile/manufactured home park to collect such fees from each mobile home therein and to remit such fees to the Town Clerk/Treasurer. Failure to do so is to be treated like a default in the payment of personal property taxes and subject to all procedures and penalties applicable under Chapters 70 and 74, Wis. Stats.

§ 320-194. Mobile/manufactured home park requirements.

A. Park requirements.

- (1) A minimum of five acres.
- (2) A minimum setback of 100 feet on all sides. See Subsection D of this section for buffering requirements.
- (3) Private roads shall be hard-surfaced and no less than 24 feet and a right-of-way of 40 feet wide serving all mobile/manufactured home spaces. This shall be either concrete or bituminous hard-surfaced. Public streets shall have a right-of-way of 66 feet and a hard surface road no less than 24 feet.
- (4) Electricity, cable television, natural gas and public sewer and water servicing all mobile home spaces.
- (5) Two parking spaces for each mobile/manufactured home which shall be hard-surfaced with concrete or bituminous pavement.
- (6) Laundry hookups will be required to be made available in each mobile home unit.
- (7) An on-site manager's office.
- (8) Each mobile/manufactured home space shall be clearly defined or delineated and shall have a minimum frontage of 50 feet and depth of 100 feet.
- (9) Movable footing slabs of reinforced concrete or other suitable means of supporting the mobile/manufactured homes shall be provided. Enclosing the foundation is recommended for appearance and insulating. Basements are not authorized.
- (10) A service slab shall be provided for each mobile/manufactured home space.
- (11) Attachments and/or necessary structures shall be designed and constructed so that they will blend in with and not detract from the appearance of the mobile/manufactured home units. No such attachments or accessory structures shall be constructed without first securing a building permit.
- (12) All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following

average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

- (a) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 footcandles.

(13) All mobile/manufactured home spaces shall abut upon a street.

(14) All mobile/manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile/manufactured home space. Entrances to parks shall be designated to minimize congestion and traffic on adjacent streets.

B. Dimensional requirements.

- (1) Space frontage: minimum 25 feet.
- (2) Space area: minimum 5,000 square feet.
- (3) Front yard: minimum 25 feet at hitch and 18 feet from house.
- (4) Side yards: minimum 10 feet.
- (5) Rear yard: minimum 20 feet.

C. Parking area. Each parking space to be not less than 20 feet wide and 400 square feet in area.

D. Buffer strip.

- (1) Each mobile/manufactured home park shall be completely surrounded, except for permitted entrances and exits, by a yard that shall contain a seventy-five-foot-wide buffer strip along all boundaries.
- (2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

§ 320-195. Maintenance of facilities.

It shall be a condition of the granting of a permit for the establishment of any mobile/manufactured home park, and a continuing condition for the operation of the same, that:

- A. All parking spaces, walks and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas;

- B. The planting screen required by the previous subsection be established and maintained;
- C. The Town Administrator, Fire Chief, or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve-month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Town as affected thereby and the compliance of structures and activities therein with this chapter and all other applicable laws of the state and ordinances of the Town.

ARTICLE XXVI
Planned Unit Development (PUD)

§ 320-196. Intent.

The intent of the planned unit development provisions is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.

§ 320-197. Unified control.

- A. All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD, together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
- B. The applicant shall state agreement to:
- (1) Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD;
 - (2) Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans; and
 - (3) Bind their successors in title to any commitments made in the approval process.

§ 320-198. Permitted uses.

Any use permitted in the R-3, and CP IND Districts to allow for more commercial development flexibility.

§ 320-199. General requirements.

All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which it is located.

§ 320-200. Area and density requirements.

A tract of land proposed for development as a planned unit development shall contain a minimum area of two acres and a maximum density of 12 dwelling units per net acre.

§ 320-201. Internal lots and frontage.

Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.

§ 320-202. Access.

Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrianway, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

§ 320-203. Engineering design standards.

Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, streetlighting and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this chapter.

§ 320-204. Procedures for approving planned unit developments.

- A. Before submitting an application for a PUD, an applicant shall confer with the Planning Commission, Town staff and other Town department heads, if required, in connection with the preparation of the planned unit development.
- B. The purpose of the preapplication conference shall be to familiarize both the applicant and the Planning Commission with each other's intentions with respect to the PUD before the applicant enters into binding commitments or incurs substantial expense.
- C. At the preapplication conference, the Planning Commission shall familiarize the applicant with the PUD process and explain to the applicant issues that should be considered in planning the project. The applicant shall inform the Planning Commission of his development concept through general outlines and sketch plans. Any statement made by either the Planning Commission or the applicant concerning potential disposition of a PUD application or the final form of the development shall not be legally binding.
- D. A development plan shall accompany the application for a special exception permit and contain the following information:
 - (1) Names of the owners and developer.
 - (2) Scale, date, North arrow.
 - (3) Existing streets, buildings, watercourses.
 - (4) Easements and utility lines.

- (5) Proposed pattern of public and private streets, accessways and parking areas.
 - (6) Locations and arrangements of lots.
 - (7) Buildings by dwelling types, open space areas and recreational facilities, if any.
 - (8) Architectural drawings and sketches illustrating the design and character of the various buildings proposed.
 - (9) Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.
 - (10) General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.
- E. Plan approval. Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.
- F. Preliminary and final plans. Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.
- G. Changes in plan. Minor changes in plans shall be made by application and follow procedures pursuant to Article XXIX of this chapter. Minor changes shall not be considered a reapplication for special exception permit. Substantial changes in plans shall be made by application and processed as a new application for a special exception permit.
- H. Deviation from approved plans. Deviation from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.

§ 320-205. Building permits.

Final approval does not constitute approval for the construction of individual buildings or structures in the development. Application for building permits shall be submitted and processed in accordance with standard procedures.

ARTICLE XXVII
Special Exceptions

§ 320-206. Uses or structures as special exceptions.

A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which, if controlled as to number, area, location or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception only if specific provision for such use or structure is made in the district. A special exception shall not be issued for any other use or structure.

§ 320-207. Procedure.

All applications for a special exception shall be submitted to the Administrator. A site plan is required for all applications for a special exception, and it shall be submitted coincident with the application. The application may also be accompanied by any other material or information necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest. The Administrator shall refer all applications and accompanying materials to the Planning Commission.

§ 320-208. Public hearing.

Upon the filing of an application for a special exception, the Planning Commission shall fix a reasonable time (not more than 45 days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published specifying the date, time and place of hearing and the matters to come before the Planning Commission. Notice shall be mailed to all property owners within a minimum of 300 feet.

§ 320-209. Conditions and safeguards.

- A. Standards for granting special exceptions. Special exceptions may be recommended by the Planning Commission, and approved by the Town Board, when all of the following conditions prevail:
- (1) The establishment, maintenance, or operation of the special exception will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare of the community.
 - (2) The special exception will not be injurious to the uses of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.

- (3) The proposed use will not create a look of clutter, garishness, glare or creates an obnoxious noise level, or would generate any other incompatibility with surrounding neighborhood.
- (4) The impact of the use is furthering the purposes of this chapter or the purposes of the zoning district in which the use is proposed or the adopted Comprehensive Plan of the Town.
- (5) The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property.
- (6) Adequate facilities, access roads, drainage and/or necessary services will be provided.
- (7) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (8) If the special exception involves a public use or a use providing public utility service, that such use or service shall meet a demonstrable public need and provide a public benefit.
- (9) Lot area, lot width and setbacks meet or exceed minimum requirements and are adequate for the proposed use. When there is an existing nonconforming structure, this provision may be waived by the Town Board.
- (10) Generally, a buffer shall exist as determined by the Planning Commission between the structure or land use to be occupied by the special exception and any adjoining property line.

B. Conditions, guarantees and validity period.

- (1) Prior to the granting of any special exception, the Planning Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Subsection A of this section. In all cases in which special exceptions are subject to conditions, the Planning Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
- (2) A special exception shall expire if the use is discontinued for a period of eight months. If a building permit is required, and has not been obtained within 12 months of the issuance of the special exception permit, the applicant must request in writing and the Planning Commission may approve an extension if it finds there

is no significant change to warrant a new special use permit application.

- (3) A special exception shall become effective upon approval by the Town Board. A record of the special exception shall be kept in the Town Clerk's files.
- (4) Failure to comply with all provisions or conditions placed on a special use permit shall be deemed a violation of the zoning code and enforceable under Article XXXII of this chapter.
- (5) A minor change to a special exception shall be requested by the applicant in writing to be reviewed and voted on by the Planning Commission. If it is determined the modification is a major change, the applicant shall be required to file a new special use permit application.

§ 320-210. Records and decisions.

The Planning Commission shall keep a record of its proceedings under this section, all of which shall be filed immediately as public records. All decisions under this section shall be taken by resolution in which a majority of the Town Board members must concur. Every final decision under this section shall be in writing accompanied by findings of fact based on the record.

§ 320-211. Appeals from the Town Board decisions.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department or board of the municipality affected by a decision of the Town Board pursuant to § 320-238.

ARTICLE XXVIII
Building Permits

§ 320-212. Applicability.

No building or structure (except signs exempt from the provisions of this chapter) shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the Administrator or Town Building Inspector.

§ 320-213. Application for building permit.

Application for a building permit shall be made in writing upon a form furnished by the Town of Greenville and shall include the following information:

- A. Name and address of the owner of the land and the owner of the building or structure if different.
- B. Plot and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon and the exact sizes and locations on the lot of buildings or structures already existing, if any, and the exact sizes and locations on the lot of buildings or structures proposed to be erected, constructed, reconstructed, altered or enlarged.
- C. The existing and/or proposed use of all buildings or parts thereof on the lot.
- D. The number of families the building is designed to accommodate, the gross leasable floor space of the building, or the number of employees the building is designed to accommodate.
- E. The location and number of required off-street parking and loading spaces.
- F. Such other information with regard to the lot and existing or proposed buildings or structures as may be necessary to determine compliance with and provide enforcement of these regulations including, but not limited to, a detailed plan of any existing private domestic sewage treatment and disposal system.

§ 320-214. Approval and issuance of building permit.

If the Administrator or Town Building Inspector determine that the proposed structure or building will comply with the provisions of this chapter, he shall officially approve one set of plans and return it to the owner or applicant, and shall issue a building permit which shall be kept on display at the site of the proposed building or structure.

§ 320-215. Construction to be as provided in applications.

Building permits issued on the basis of applications and plans approved by the Administrator or Town Building Inspector authorize only the use, arrangement and construction set forth in such approved applications and plans. Use, arrangement and construction of variance with that authorized shall be deemed a violation of this chapter.

§ 320-216. Lapse of permit.

A building permit shall have lapsed and be void unless substantial construction or operations described in the permit are commenced within one year from the date of its issuance.

§ 320-217. Improper issuance.

A building permit that was issued in error or under a misstatement of fact by the applicant shall not create any right in such permit, and the Town shall be entitled to revoke such permit.

§ 320-218. Prior permits.

No building permit lawfully issued by the Administrator or Town Building Inspector prior to the effective date of adoption or amendment of this chapter shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting subject only to its own terms.

ARTICLE XXIX
Site Plans

§ 320-219. Applicability and procedure.

- A. Where, by the terms of this chapter, a site plan is required in connection with any use or structure, such site plan must be approved prior to making application for a building permit. The administrator shall forthwith circulate the site plan for comment by the Town Planning Commission and any other Town officer that may have a responsibility for or interest in an aspect of the development.
- B. Within 30 days of submittal, the Administrator shall transmit the site plan along with all pertinent comment to the Planning Commission for their consideration. Except as required in connection with a special exception, no public notice and hearing is required for site plan consideration, but such matters shall be handled in public session as part of a previously prepared agenda. All matters relating to site plan consideration shall be a public record. In cases where a site plan is submitted in connection with an application for a special exception, public notice and hearing is required. Site plan approval shall require formal action of the Planning Commission but shall not require action by the Town Board.

§ 320-220. Site plan review criteria. [Amended 8-14-2006]

- A. Access/driveways.
- (1) Multiple frontage. Where a parcel abuts two streets, access may be limited to the street with the lowest functional classification, i.e., primary arterial, arterial, collector and local.
 - (2) Combined access/frontage road. Where a lot abuts an arterial or collector street, provision for combined access with adjacent parcels by easement or dedicated frontage road may be required.
 - (3) Number of accesses. No parcel abutting a public street for less than 100 feet shall ordinarily have more than one driveway access to that street. No parcel fronting on a public street for over 100 feet shall ordinarily have more than two driveway accesses to that street; provided, however, that the closest edge of the driveway shall not be closer than 50 feet for local streets or closer than 100 feet for collector or arterial streets.
 - (4) Location to intersections. No driveway access shall be located with its closest edge closer than 50 feet to a local street intersection or closer than 100 feet to a collector or arterial street intersection. To the extent practical, driveways shall be located to maximize distances to intersection.

- (5) Coordination of access. Driveway access shall be located to minimize potential interference and conflicts with the use of buildings and driveways on the opposite side of the street.
 - (6) Configuration. Driveway access shall ordinarily intersect with public streets as nearly as possible at right angles; provided, however, that for high-intensity uses (average daily traffic of 500 or more vehicles per day), or for parcels with access to streets with posted speeds of 45 miles per hour or greater, a channelized T-intersection may be required and acceleration and deceleration lanes may be required.
- B. Signs. Signs shall meet the requirements of Article VII of this chapter. Signs shall be shown on the site plan.
 - C. Landscaping. Landscaping shall meet the requirements of Article VIII of this chapter.
 - D. Parking. Parking shall meet the requirements of Article VI of this chapter.
 - E. Lighting. Exterior lighting, whether freestanding or mounted on a building or structure, shall be downcast, shielded and oriented so as to not exceed the following light levels on adjacent properties: 0.05 horizontal footcandles on residentially zoned property or nonresidentially zoned property that has a residential use; 0.5 horizontal footcandles on nonresidentially zoned property; and five horizontal footcandles on public road right-of-way. If light spills onto property across a public right-of-way the 0.05 and 0.5 horizontal footcandle restrictions shall apply accordingly. **[Amended 9-24-2018 by Ord. No. 3-18]**
 - F. Building orientation. Building orientation shall be appropriate to the street frontage and adjacent buildings and uses.

§ 320-221. Contents.

A site plan required to be submitted by the terms of this chapter shall contain the following elements, where applicable:

- A. Statements of ownership and control of the proposed development.
- B. Statement describing in detail the character and intended use of the development.
- C. A site plan containing the title of the project and the names of the project owner and developer, date, and North arrow and, based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings, watercourses, easements, and section lines; exact location of all buildings and structures, including the dimensions of the buildings shown and the distance perpendicular to the property line shown; driveways access

and traffic flow; off-street parking and off-street loading areas; landscaping (pursuant to requirements of § 320-60 of this chapter); lighting; signage; setbacks; drainage; recreation facilities locations; and access of utilities and points of utility hookups; impervious surface.
[Amended 8-14-2006]

- D. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses.
- E. Tabulations showing the derivation of numbers of off-street parking and loading spaces and total project density in dwelling units per gross acre.
- F. Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
- G. If common facilities (such as recreation areas or structures, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the Town that such common facilities will not become a future liability for the Town.
- H. Plans for signs, if any.
- I. Plans for the exterior walls of all buildings, lighting, outside storage and industrial processes and materials pertinent to conformance with the industrial performance standards herein.
- J. Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant, Administrator or Planning Commission may believe is pertinent.
- K. Plans for storm drainage, erosion control, site grading, and public utilities, if any.

§ 320-222. Drainage plans.

Drainage plans are required as part of a special exception permit, formal site plan review (when required) or subdivision. These standards are not for single-family or two-family dwellings.

- A. Submitted drainage plans must include the following information:
 - (1) Scale, North arrow and date of preparation.
 - (2) Acreage draining into the subdivision and the acreage of the subdivision.
 - (3) Lot numbers corresponding to the plat.

- (4) Direction of flow indicated by arrows on all lot lines, grades along the lot lines, elevation of break points along lot lines, and the distance from the nearest lot corners to the break point.
 - (5) Proposed easements which will be on final plat.
 - (6) Contour information shall be provided at intervals of not more than two feet. All elevations shall be based on USGS datum.
 - (7) Reference to two established USGS benchmarks.
 - (8) Areas to be filled showing the depth of fill, existing elevation and proposed elevation.
 - (9) Typical proposed street cross-section.
 - (10) Culvert sizes and type of pipe, including all proposed driveway culverts, where applicable.
 - (11) Storm sewer sizes and type of pipe, where applicable.
 - (12) Detention/retention pond contours, storage volume and outlet structure design; computation of impervious surface.
 - (13) Location/neighborhood map with blowup area.
- B. Drainage calculations shall be submitted as required in Chapter 255, Stormwater Management.²⁶
- C. Additionally, any supplemental information as deemed necessary by the Town may be required.

§ 320-223. Amendments to site plan.

A site plan, required to be approved by the Planning Commission under this section, shall not be modified as to any of the elements unless approved by the Planning Commission. The Planning Commission may, by resolution, delegate authority to the Building Inspector to approve minor variations from the approved site plan.

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XXX
Zoning Permits

§ 320-224. Permit required.

No vacant land shall be occupied or used, and no building shall be hereafter erected, structurally altered, relocated, used or occupied until a zoning and occupancy permit has been issued certifying that any such building, use or occupancy complies with the provisions of this chapter. A like permit shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, changed, extended or granted special use status.

§ 320-225. Applications; inspections; fee.

Application for such permit shall be made to the Town Administrator prior to or at the same time as the application for a building permit or prior to the commencement of any use not involving a building permit.

- A. Such application shall state that the building or proposed use of a building or land complies with all the building and health laws and with the provisions of this chapter, and a statement by the applicant as to the intended use of the premises and buildings thereon.
- B. Within 10 days after the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Town Administrator shall make an inspection of the premises and any building thereon and of the intended use thereof, and if the proposed use of the premises complies with the requirements of this chapter, a zoning and occupancy permit shall be issued.
- C. For the purpose of defraying the cost of inspection and administrative processing, such application shall be accompanied by such fee as established by the Town Board.

§ 320-226. Lapse of permits; extensions.

If, within 12 months of the date of application, no zoning and occupancy permit has been issued, any building permit related thereto shall lapse and the Town Administrator shall make immediate investigation to ascertain that no use or occupancy has, in fact, commenced without proper authority. Upon showing valid cause, the Town Administrator may grant an extension of such permit for a period not to exceed six months.

§ 320-227. Temporary permits.

Pending the issuance of a regular permit, a temporary permit may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A

temporary permit shall be voided if the building fails to conform to the provisions of this chapter to such a degree as to render it unsafe for the occupancy proposed.

ARTICLE XXXI
Amendments

§ 320-228. Power of amendment.

The Town Board may amend the regulations and requirements of this chapter or change the district boundaries of the Official Zoning Maps. A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board or by any member of the Town Board or Town Planning Commission.

§ 320-229. Procedures.

The petition shall be filed with the Town Clerk who shall immediately refer it to the Planning Commission for its consideration, report and recommendations. Procedures shall be in accordance with § 62.23(7), Wis. Stats. If the Town Board approves a zoning amendment, it becomes effective upon approval of the County Board.

ARTICLE XXXII
Administration and Enforcement

§ 320-230. Town Zoning Administrator. [Amended 8-14-2017 by Ord. No. 7-17]

The provisions of this chapter shall be administered and enforced by the Town Zoning Administrator (hereinafter referred to as the "Administrator"). The Community and Economic Development Director shall be the Town Zoning Administrator. The Administrator is authorized to act through aides and assistants. In the performance of the duties of the office of Zoning Administrator, the Administrator may request the assistance of any appropriate officer or agency of the county or State of Wisconsin.

- A. The duty of the Town Zoning Administrator shall be to interpret and administer this chapter and issue, after on-site inspection, all permits required by this chapter.
- B. Duties. In enforcing and administering this chapter, the Town Zoning Administrator shall perform the following duties:
 - (1) Issue the necessary permits required by the provisions of this chapter, provided its provisions have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (3) In case of a violation of a provision of this chapter, notify in writing the actual violator, where known, the owner of the property on which the violation has taken place and the Town Board, indicating the nature of the violation and the action necessary to correct it.
 - (4) Receive, file and process all applications for special uses, variances and amendments to this chapter.
 - (5) Initiate, direct and review, from time to time, a study of the provisions of this chapter and make recommendations to the Planning Commission for investigation and appropriate action.
 - (6) Carry out such additional responsibilities as are hereinafter set forth in this chapter.
- C. Authority. In the enforcement of this chapter, the Town Zoning Administrator or his or her designee shall have the following power and authority: at any reasonable time and for any proper purpose, to enter upon any public or private premises and make inspection thereof.

§ 320-231. Town Building Inspector; duties and powers.

- A. Receive and examine all applications for building permits and forthwith transmit copies of all such applications to the Administrator.

- B. Issue building permits only where there is compliance with the provisions of this chapter. Building permits for structures requiring connection to a private domestic sewage treatment and disposal system shall be issued only where there is compliance with applicable sanitary codes. Building permits which require site plan approval under Article XXIX of this chapter shall only be issued by order of the Planning Commission. Building permits for development in the floodplain, shoreland and wetland jurisdiction of the Town of Greenville shall not be issued until approved by the Zoning Administrator and, if necessary, Outagamie County.
- C. Receive and forthwith transmit to the Administrator all applications for building permits which require site plan approval under Article XXIX of this chapter.
- D. Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and report any violations of this chapter to the Administrator.

§ 320-232. Remedies.

Compliance with the provisions of this chapter shall be enforced by appropriate fines and penalties. Compliance may also be enforced by injunctive suit of the Town or by the owner or owners of real estate within the district affected by the regulation.

§ 320-233. Violations and penalties. [Amended 10-13-2014]

Any person, firm, or corporation who violates any provision of this article shall, upon conviction, be subject to a forfeiture amount set from time to time by ordinance in the Fine and Forfeiture Schedule of the Town of Greenville. Each calendar day that a violation continues to exist shall constitute a separate offense.

§ 320-234. Notice of violation.

If the Administrator finds that any of the provisions of this chapter are being violated, he shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he is in violation of the provisions of this chapter, such person shall commence correction of all violations within ten 10 days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within 10 days of written notice or not corrected within 45 days of written notice, each day that a violation continues shall be considered a separate offense.

ARTICLE XXXIII
Board of Appeals

§ 320-235. Establishment of Board.

In order that the objectives of this chapter may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the "Board") for the Town of Greenville.

§ 320-236. Membership and terms of office.

- A. Board members. The Board shall consist of five members. The Town Chairperson shall appoint the members subject to confirmation by the Town Board. The members of the Board shall all reside within the Town. The Town Chairperson shall designate one of the members as Chairperson. **[Amended 2-10-2003]**
- B. Terms. The terms of the first appointed shall be for one for one year, two for two years and two for three years. Successors shall be appointed in such manner at the expiration of each term and their terms of office shall be three years in all cases, beginning July 1, in the year in which they were appointed and until their successors are appointed.
- C. Vacancies and removal. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall be removable by the Town Chairperson for cause upon written charges and after public hearing. **[Amended 2-10-2003]**
- D. Compensation. The actual and necessary expenses incurred by the Board in the performance of its duties shall be paid and allowed by the Town Board as in cases of other claims against the Town. The Town Board may also compensate the members of the Board and their assistants as may be authorized by the Town Board.

§ 320-237. Rules, meetings, decisions and records.

- A. Rules. The Board shall adopt rules for the conduct of the business of the Board in accordance with the provisions of this chapter. The Board may adopt further rules as necessary. No rule may be changed without the concurring vote of a majority of the Board.
- B. Meetings. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such Chairman, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- C. Records and decisions. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall

be immediately filed in the office of the Town Clerk and shall be a public record. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect a variation. The grounds of every such determination shall be stated. Notice of filing of all actions and decisions shall be mailed to the parties in interest as determined by the Board. **[Amended 2-10-2003]**

§ 320-238. Powers and duties regarding appeals.

- A. Powers. The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as such ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. **[Amended 2-10-2003]**
- B. Procedures. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or the Building Inspector or other administrative officer. Such appeal shall be taken within 60 days of the order, requirement, decision or determination appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board may request the applicant to provide additional information as may be needed to determine the case.
- C. Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
- D. Withdrawal or amendment.
- (1) If the applicant elects to withdraw the appeal any time before final determinations is made by the Board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the Board, to the Building Inspector or officer and to the applicant.

- (2) Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date; otherwise, the Chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.

§ 320-239. Powers and duties regarding variances.

- A. Powers. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed and substantial justice done. **[Amended 2-10-2003]**
- B. Requirements for a variance. In general, the power to authorize a variance from the requirements of the chapter shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions that require an amendment to this chapter. Variances shall only be granted when the Board finds that:
 - (1) The variance is not contrary to the public interest and that such a variance will be in general harmony with the purpose and intent of this chapter.
 - (2) The variance will not permit the establishment of a use that is not permitted or permissible in the district.
 - (3) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (4) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - (5) The hardship is not shared generally by other land or buildings in the area.
 - (6) The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

§ 320-240. Powers and duties; interpretations.

The Board shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

§ 320-241. Public hearing.

- A. Time period. Upon filing with the Board an application for an appeal or variance, the Board shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing.
- B. Notice of hearings. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published specifying the date, time and place of the hearing and matters to come before the Board.

§ 320-242. Appeals from Board decisions.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari.

ARTICLE XXXIV

Fees

§ 320-243. Establishment; requirement.

Fees for amendments, special exceptions, variances, appeals and contested case hearings shall be established by the Town Board. No action shall be taken prior to payment of requisite fee.